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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, source of goodness, forgive our departures from Your plans. We have desired to rule and not to serve. We have wanted to avenge ourselves and not forgive. We have focused on getting and not giving, on speaking and not listening. We have been too busy to spend time with You, and the voice of conscience has condemned us. We have learned too little from our mistakes. Forgive us not because of our goodness but because of Your mercy.

Today, bless our Senators with Your peace. Help them to honor You with their thoughts and actions. Prepare each of us for a future of hope and trust. We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, in a few moments, we will return to the consid-

eration of the Commerce-Justice-Science appropriations bill. We are very close to an agreement which will allow us to finish that bill at an early hour today. The two managers have worked diligently over the course of the last week and this week—it has been now 2 weeks on the bill—and we are now ready to proceed to final passage after we dispose of a few remaining issues. I expect that we will line up a series of stacked votes beginning sometime around 10:45 or 11 this morning, and we will alert Senators once we lock in that time.

Once we complete the Commerce-Justice-Science appropriations bill, we will start consideration of the Agriculture appropriations bill. Senators should begin preparing for that bill and I encourage Senators to notify their respective chairman and ranking member if they intend to offer amendments. It is helpful for the two leaders and the bill managers to know in advance what amendments will be offered so that we can proceed in an orderly way.

HISPANIC HERITAGE MONTH

Mr. FRIST. Mr. President, I rise today to recognize the monthlong celebration honoring the heritage of Hispanic Americans. That monthlong celebration begins today.

Nearly 40 years ago, Congress authorized President Lyndon Johnson to proclaim National Hispanic Heritage Week. Two decades later, George Herbert Walker Bush expanded the celebration to 4 weeks. National Hispanic Heritage Month was born. Every year we set aside a month to pay special regard to the contributions of Hispanic Americans.

Over the centuries, Hispanic Americans have profoundly affected the course of human history. Their influence predates the birth of our Nation, tracing back to the first footsteps of Spanish explorers now more than 400 years ago.

DeSoto and his men were the first to discover the mighty Mississippi. Coronado's expedition unearthed the Grand Canyon. DeAnza blazed a trail from Mexico to California's Pacific coast.

Since the dawn of early explorers, millions of men and women from Mexico, Puerto Rico, Cuba, Central America, South America, and Spain have continued the tradition of settling in America. They have come in search of freedom, peace, and prosperity, and they have gotten far more than they sought.

Through the ages, Hispanic Americans have left an indelible mark on the history, the culture, and the values of our Nation. It is those values and contributions that we celebrate.

Some names stand out. David Barkley was the first Hispanic American to receive the Congressional Medal of Honor. Barkley voluntarily swam the frosty Meuse River in France during World War I to gather information behind enemy lines. He gave his life to our country, drowning on his swim back to land.

Luis Alvarez, a Nobel Prize recipient, revolutionized the safety of air travel by inventing the ground control radar system for aircraft landings.

Ellen Ochoa was the world's first Hispanic-American astronaut.

Sara Martinez Tucker, who I had the opportunity to meet at a dinner I recently hosted, her story intrigued me so much. A native of Laredo, Sara worked her way up from humble beginnings to be the first Hispanic female to hold an executive position at AT&T. Time Magazine recently named her one of the top 25 most influential Hispanic Americans. But most important is what she has done to help other Hispanic Americans realize their own dreams. As CEO of the Hispanic Scholarship Fund, she has grown the scholarship fund from \$3 million tenfold to \$30 million in scholarship money distributed every year, and she is not stopping there. Sara wants to nearly

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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double the percentage of Hispanics with college degrees by 2010, and I believe with her determination, she will accomplish just that.

David Barkley, Luis Alvarez, Ellen Ochoa, Sara Martinez Tucker, Alex Rodriguez, Nancy Lopez, Richard Serra, Rita Hayworth, Cesar Chavez, Alberto Gonzales, Jose Gonzalez—I mention Jose because he has a special place in my heart. Jose was the chief surgical resident at Massachusetts General Hospital when I was in my training in Boston. I was an intern at the time. Jose walked me through my very first hernia operation, an operation I have performed many times since that first occasion, an occasion which I remember vividly, an operation I continue to perform in Africa on medical mission work.

The list goes on. There are doctors, entrepreneurs, public servants, athletes, artists, philanthropists, scientists, scholars. In all of these professions, in all of these fields, the huge contributions that have been made in the past, all have contributed to that rich fabric of American life. We are a more vibrant nation and we are a more vibrant people because of it.

These names stand out, but there are many others, large and small, who move America forward every day. They are the countless heroes who have fought in our wars, who work in our hospitals, who teach in our schools, and who serve in our Government. Many have come to America with a simple hope of a better life and through hard work they have achieved that goal. We honor their character, their determination, and their enduring optimism.

It is the spirit of the American character which gives flight to the American dream and has fueled the progress of our great Nation.

Today as we begin a monthlong celebration of Hispanic heritage, I join with all Americans in recognizing the invaluable role of Hispanic Americans in shaping and enriching these United States.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2862, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Dorgan amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices.

Lieberman amendment No. 1678, to provide financial relief for individuals and entities affected by Hurricane Katrina.

Kerry/Landrieu amendment No. 1695, to strengthen the loan, procurement assistance, and management education programs of the Small Business Administration in order to help small businesses and homeowners hurt by Hurricane Katrina meet their existing obligations, finance their businesses, and maintain and create jobs, thereby providing stability to the national economy.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask to speak as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, as I mentioned a few moments ago, we will begin voting sometime around 10:45 or 11. The plans are being finalized, and we will be back with a more specific announcement as to when that time will be as we address the amendments.

MEETING PRESIDENT ALVARO URIBE OF COLOMBIA

Mr. FRIST. Mr. President, on a separate issue, I want to take the opportunity to mention a meeting I am honored to be hosting later today with Colombian President Alvaro Uribe, who is visiting our country and who will be here with us in the U.S. Capitol. He has served as Colombia's President since his election in 2002 and has done a remarkable job. I have had the privilege of meeting with President Uribe during visits, both here in Washington as well as on a trip that I took to Colombia in January of 2004. Throughout his term, the President has enjoyed high levels of popular support. He has earned it. He deserves it. He ran on the platform of public security and he has delivered.

Since his election, Colombia has seen significant decreases in homicides, decreases in crime, decreases in acts of terrorism. Coca and poppy cultivation have decreased by over a third while he served in office. President Uribe has worked hard to promote greater respect for the rule of law, institute judicial reform, and improve Colombia's record on human rights.

Colombia is one of our Nation's strongest allies and our close partnership is key to advancing U.S. interests in the Western Hemisphere. Colombia is the third most populous country in Latin America after Brazil and Mexico. Because of its size and strategic location, Colombia is a key player in regional issues. In addition, it has played an active role in multilateral institutions such as the United Nations and the Organization of American States.

The close bilateral relationship that America enjoys with Colombia centers on our efforts to counter terrorism and stop illicit drug traffic. Together, our

two countries are working hard to promote stability and promote security, to promote prosperity in Colombia and the region. I look forward to discussing all of these issues with the President this afternoon.

At the top of the list, we will address the President's efforts to defeat Colombia's insurgent groups. Three main illegal armed groups operate in Colombia: The Revolutionary Armed Forces of Colombia, FARC; the National Liberation Army, or ELN; and the United Self-Defense Forces of Colombia, known as AUC. All three thrive on the illegal narcotics trade. The U.S. Secretary of State has designated all three groups as foreign terrorist organizations. For years, FARC, ELN, and AUC have terrorized the Colombian people with bombings, murders, kidnappings, extortion, hijackings, and the list goes on. They have kidnapped dozens of American citizens, and they have murdered at least 10.

Their drug-sponsored terrorist activity has created destabilizing effects on Colombia and the region and threatens the United States. The U.S. Drug Enforcement Administration estimates that more than 80 percent of the worldwide powder cocaine supply and approximately 90 percent of the powder cocaine smuggled into the United States is produced in Colombia. Colombian producers also account for 50 percent of the heroin entering the United States. The United States spends hundreds of millions of dollars each year in Colombia to train the counternarcotics forces, shore up their civilian counterdrug efforts, and help provide crop alternatives for farmers. We are getting results.

Aerial eradication alone has cut coca and poppy cultivation by a third since 2001.

Human rights is another topic that the President and I and leadership will be discussing. Members of Congress have repeatedly and rightly voiced concerns about continuing human rights violations in Colombia. FARC, ELN, and AUC are notorious culprits. I hope to learn more about how President Uribe plans to demobilize these troops and address allegations of human rights abuses within Colombia's Armed Forces.

The United States and Colombia have worked hard to build a solid foundation for a close, cooperative relationship. I look forward to hearing the President's ideas on how we can continue to work together on all of these issues of huge concern. I urge my colleagues in the Senate to continue to support President Uribe in his efforts, his convictions, his determination to fight the illicit drug trade, strengthen the rule of law, expand economic opportunity and foster peace and stability in his country and in the region. When we strengthen the security of our neighbors, we increase our security at home.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, I ask unanimous consent that the pending amendments be set aside so I may call up amendment No. 1718.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1718

Mr. KYL. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1718.

Mr. KYL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. KYL. Madam President, let me briefly describe what this amendment does, and then I understand the representative of the minority will interpose an objection.

This is an amendment that embodies a bill to prohibit Internet gambling and permit the enforcement of that prohibition. Most States, if not all States, already have laws on the books that prohibit Internet gambling. The problem is that those bills are difficult to enforce by the individual State attorneys general because the Internet is ubiquitous—it is across the State lines—and the attorney general in Arizona can't go to Montana and enforce such prohibition in that State.

About 10 years ago, the State Attorneys General Association came before our subcommittee and asked for this Federal legislation so that there could be a national enforcement that would enable them to give force to all of the different States' laws prohibiting Internet gambling. We have worked on this now for a decade, and twice the legislation has passed the Senate. Twice the legislation has passed the House of Representatives, each time in somewhat different form. But we have never been able to get the two bodies to pass legislation in the same year in order to effectuate that.

It is very troublesome because the process by which we have to consider legislation makes it very difficult for something like this to get floor time and have a week or several days on the floor to debate back and forth, get it passed, and do the same thing with the House and then work out a conference committee and the like. That is why we have had to resort to attaching amendments such as this to appropriations bills or other bills that are on the floor already and moving forward so that we can gain consideration of this issue. It is not particularly conten-

tious. It is certainly not partisan. The legislation has enjoyed wide bipartisan support in both bodies.

Let me briefly describe it. All it does is it allows banks and credit card companies to do what most of them are already doing voluntarily; that is, simply not honoring a credit card debt for Internet gambling. When some Internet gambling site in Aruba, for example, submits the bill to Master Charge or Bank of America and says, Joe Blow here gambled away \$1,000 of his money, put it on the credit card, and you now owe that to our Internet gambling site in Aruba, the bank or credit card company says, No. That was against the law. You can't do that. We are not paying.

It has had some effect on these operations. But to show you why it hasn't had enough, when we started a decade ago, there were 20-some sites. Today, there are over 2,000 sites. The amount of money was relatively insignificant back then. Now it is hundreds of billions of dollars. It is incredible.

A Harvard law professor described this kind of Internet gambling with regard to kids doing it on the Internet. He said it is like the crack cocaine of gambling; it is so addictive; there is no supervision.

We have gambling in Las Vegas, Atlantic City, and on Indian reservations, and it is tightly supervised and regulated. Even our subcommittee found testimony from the New Jersey Gambling Commission and said one reason we can do it is we highly regulate it. But there is no way to regulate these offshore sites. That is why it is against the law in every State.

We have a Federal act called the Wire Act which prohibits horse gambling. That is now being done on the Internet. There is a means of enforcing existing law in a meaningful way and ensuring that all of the State laws can be enforced as well. I want to indicate who is in favor of this, and then I will allow the process here to occur.

Obviously, sports groups are very concerned about the adulteration of sports. We have seen it in college sports. Even one of the universities in my State was involved in a point-shaving scandal not too long ago. Why did this young athlete involved have to shave points in the games in which he played? It was because he got into trouble with gambling debts.

The NFL, Major League Baseball, the National Hockey League, National Baseball Association, National Collegiate Athletic Association, and the NCAA strongly support this legislation because they understand that if Internet gambling becomes part of their sports, nobody can count on those sports being pure. There is always the possibility that they have been adulterated by gambling.

There are a lot of groups. The National Gambling Commission called for legislation such as this, and a lot of the groups that testified before that Commission are also strongly in support.

The National Coalition Against Gambling Expansion and groups such as the Family Research Council, Focus on the Family, Concerned Women for America, the Christian Coalition, United Methodist Church, Southern Baptist Convention, together with their co-members of the National Council of Churches, and the National Coalition Against Gambling Expansion—it includes a whole host of organizations.

Madam President, I ask unanimous consent to have this list printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows;

SUPPORTERS

National Football League, Major League Baseball, National Hockey League, National Baseball Association, and National Collegiate Athletic Association.

Family Research Council, Focus on the Family, Christian Coalition, Concerned Women for America, National Coalition Against Gambling Expansion, United Methodist Church, and Southern Baptist Convention.

Together with their co-members of The National Council of Churches, which includes:

African Methodist Episcopal Church, The African Methodist Episcopal Zion Church, Alliance of Baptists, American Baptist Churches in the USA, and The Antiochian Orthodox Christian Archdiocese of North America.

Diocese of the Armenian Church of America, Christian Church (Disciples of Christ), Christian Methodist Episcopal Church, Church of the Brethren, and The Coptic Orthodox Church in North America.

The Episcopal Church, Evangelical Lutheran Church in America, Friends United Meeting, Greek Orthodox Archdiocese of America, Hungarian Reformed Church in America, International Council of Community Churches, Korean Presbyterian Church in America, Malankara Orthodox Syrian Church, and Mar Thoma Church.

Moravian Church in America Northern Province and Southern Province, National Baptist Convention of America, National Baptist Convention, U.S.A., Inc., National Missionary Baptist Convention of America, Orthodox Church in America, Patriarchal Parishes of the Russian Orthodox Church in the U.S.A., and Philadelphia Yearly Meeting of the Religious Society of Friends.

Polish National Catholic Church of America, Presbyterian Church (U.S.A.), Progressive National Baptist Convention, Inc., Reformed Church in America, and Serbian Orthodox Church in the U.S.A. and Canada.

The Swedenborgian Church, Syrian Orthodox Church of Antioch, Ukrainian Orthodox Church of America, and United Church of Christ.

The National Thoroughbred Racing Association.

Mr. KYL. This is a page and a half of religious institutions in support of this legislation.

Even groups that also are involved in sports that do involve some form of gambling, such as the National Thoroughbred Racing Association, understand that for their sport to remain pure—and it is highly regulated, as well—for them not to have the taint of gambling, they support this kind of legislation.

It has been very frustrating for me because there is such broad-based support, it makes such sense. It is so dangerous, especially for the kids in our

society. We have a very tight bill. It is quite similar to the bill that got through the Committee on Banking last year. The various groups directly involved in this are supportive of the legislation, or at least are not in opposition.

It is time to get this done before this phenomenon explodes any further and—and I underline this—before the lobbying money of these groups defeats it again. I will not name names, but people who are today in trouble with the law were partially responsible for the defeat of this legislation previously.

This kind of money should not be brought to bear as a special interest on our bodies to keep us from adopting important legislation such as this. That is why I have attempted to use the appropriations bill that is before the Senate as the vehicle to bring up this matter again. I understand from a purely technical parliamentary point of view it is incumbent upon the distinguished ranking member of the subcommittee to interpose a rule XVI objection. I understand that. I appreciate her need to maintain the committee jurisdiction and the process.

However, I note in conclusion we have legislated on appropriations bills in the past. So this is not something that has never been done before. I had hoped we would be permitted to do it in this case because of the importance of the issue, the fact that there is a very large consensus to get this done. It is very difficult to do it any other way. I am disappointed we are not able to do it at this time.

When the objection is interposed, I ask the Presiding Officer's indulgence to direct a brief inquiry to the ranking member of the subcommittee.

Ms. MIKULSKI. Madam President, I wish to acknowledge the validity of the fact that the Senator from Arizona has worked long and hard on this issue and sees this as a consumer protection issue, and protection-of-our-sovereignty issue also.

Without taking any prejudice on the merits of the amendment, I have to make a point of order under rule XVI that the amendment does constitute general legislation on an appropriations bill and is not in order.

Mr. KYL. With the Presiding Officer's indulgence, I ask a question, and I appreciate that the ranking member may not know the answer to this question.

Can the ranking member advise me who it is that is requiring the imposition of this so I can speak to that Senator or those Senators to try to reach some kind of an accommodation so we can take this matter up in the future?

Ms. MIKULSKI. Madam President, I say to my friend and member of the Judiciary Committee, I do not know. I truly do not know. I do know that these parliamentary mechanisms were worked out at the leadership level.

Mr. KYL. I appreciate that. I appreciate the words of the ranking member

and make this point that this will proceed in some way at some time when we find out who is making the objections, if anyone. It may simply be a procedural matter to preserve the committee's jurisdiction.

We will proceed. It will become law at some point at some time. I ask my colleagues on both sides of the aisle, if you have problems with this legislation, please let me know so we can try to work on those problems. There should be no reason we cannot move forward. We will be back. The next time I am back, I hope there is no one who is interposing an objection.

I appreciate the comments of the ranking member.

Ms. MIKULSKI. I call for the ruling.

The PRESIDING OFFICER. The point of order is sustained. The amendment fails.

The Senator from New Mexico.

AMENDMENT NO. 1706

(Purpose: To provide funds for educational assistance to individuals and schools impacted by Hurricane Katrina)

Mr. BINGAMAN. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I call for consideration of amendment No. 1706.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, and Ms. LANDRIEU, Mr. REID, Mr. KENNEDY, Ms. MIKULSKI, Mr. DODD, Mrs. CLINTON, Mr. DAYTON, Mr. AKAKA, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. CORZINE, proposes an amendment numbered 1706.

Mr. BINGAMAN. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. I ask unanimous consent that Senators LAUTENBERG and CORZINE be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, this amendment deals with a most urgent matter. It is an amendment I offer on behalf of myself, Senator LANDRIEU, Senator REID, Senator KENNEDY, Senator MIKULSKI, Senator DODD, Senator AKAKA, Senator CLINTON, Senator MURRAY, Senator DAYTON, Senator SCHUMER, Senator LIEBERMAN, and as I mentioned, Senators LAUTENBERG and CORZINE.

The purpose of the amendment is to provide some level of temporary and immediate short-term relief to local school districts and communities that have been devastated by Hurricane Katrina. With great sadness, all of us, I am sure, have watched the faces of children who have been impacted by this terrible tragedy. Some of those children have literally lost everything.

They have lost their family members, they have lost their homes, their schools, and their entire communities.

Officials in the Department of Education estimate there are 330,000 children from Louisiana, Mississippi, and Alabama, who have been displaced by Hurricane Katrina. Many of these children are now homeless and have taken up residence in emergency shelters in one State or another.

I am confident everyone in the Senate wants to do what is right by these children. What has happened at the State and local level is amazing to watch, the way communities have come out to assist; the way families, individuals, volunteers, nonprofit organizations have come to the assistance of these children. Continuing the education of these children needs to be a top priority.

Right now, there are hundreds of thousands of children from New Orleans and Gulfport and Biloxi and Pascagoula who are sitting at desks. Some of those are in Baton Rouge, some in Houston, some in Wichita, or Albuquerque, Memphis, Olympia, or even Philadelphia. These schools have not only opened their doors to these displaced children, they have also provided these students with classrooms, with teachers, with books, with supplies, with equipment and, most importantly, with a quality education.

The obvious question is, What are the resources they are calling upon to do this? We know many of our school districts already face significant fiscal constraints. How can we expect these school districts to educate hundreds of thousands of additional children without additional resources?

We should act now and provide some immediate relief to assist the transition of these students into their new and, hopefully, temporary classrooms. I am, however, very concerned that some of the ideas that have been discussed, at least in news accounts, are problematic and could get us into a difficult circumstance in Washington.

For example, the Washington Post had an article that some believe this tragedy is a new opportunity to proceed with a large-scale voucher system and use these children to experiment on how to implement a voucher system. That would be a very unfortunate course to follow. As everyone in this Senate knows, when the subject of vouchers comes up, we have a great deal of disagreement. We should not be debating new experimental ways of providing educational assistance as part of our effort to assist these children in these circumstances.

Another example of a concern, a problem that I have seen reference to, is the suggestion in one piece of legislation that we should require these displaced students to wear identifying insignia to differentiate them from the other students in their new schools. Obviously, there are all sorts of reasons we should not visit that kind of a requirement on these students at this point.

The officials at the State level, at the local level, and at the Federal level, are just beginning to assess the magnitude of the devastation that has been experienced. Unfortunately, we have already begun to see the extent of the damage to some of the schools on the gulf coast. I understand the New Orleans School District, in particular, has been almost completely destroyed. Many schools in the region are still completely flooded and remain underwater and will have to be rebuilt completely. Others suffered extensive water and wind damage and remain unsafe.

Last week the HELP Committee received testimony from Dr. Diane Roussel, the superintendent of schools in Jefferson Parish, LA, which has 85 schools, 51,000 students, 3,600 teachers, that lies south of New Orleans. It was directly in the path of Katrina. Dr. Roussel testified that in Jefferson Parish, much like the rest of Louisiana, the local tax base provided for much of the district's resources, and any surpluses the district had have now been expended. Jefferson Parish and many other school districts impacted by Hurricane Katrina are totally out of money, are not able to pay their teachers, are not able to conduct school in any way.

Dr. Roussel said in her testimony:

Money is not always the answer to solving the ills of our public schools, but when you are talking about equipment, supplies, rebuilding, and maintaining a teaching workforce, money is the answer.

Communities cannot thrive without their schools. Families will not return to these communities if their children do not have a place to go to school. Local businesses cannot survive if those families do not return to those communities.

Rebuilding the schools has to be a first priority, not a last priority. These communities need our help now. The extent of the devastation is known by all, or at least we are beginning to know.

Let me mention one other area of great concern that we try to address in this amendment, the issue of displaced college students. There are literally tens of thousands of displaced college students. The colleges in the New Orleans area have been devastated by this storm. I am very encouraged to see the way other States, other educational institutions have stepped up to provide assistance.

In my own State of New Mexico, we have some examples of that. New Mexico State University has welcomed the University of New Orleans baseball team to Las Cruces. Members of the University of New Orleans baseball team will be going to school at New Mexico State University and playing baseball there as the New Orleans team.

The Federal Government needs to step up to the plate and do all it can, and do so right now. The amendment does not attempt to meet all the needs

we will be identifying resulting from this catastrophe, but it does begin the process. It does indicate that the Senate believes it needs to be a priority to provide some immediate relief. These communities need to know now that we are willing to act to help them.

It provides temporary assistance to school districts experiencing unexpected increases in their student populations because of Katrina. It provides funds, grants to school districts, it facilitates the temporary placement of students in elementary and secondary schools within their jurisdiction, and it helps to ensure that quality instruction is available.

This is a very worthwhile amendment and one that we should adopt as part of this first appropriations bill being considered since we have returned from the August recess. I hope very much my colleagues will agree to add this to the bill.

I understand there will be a point of order raised in connection with this, but I urge my colleagues to vote with me to override that point of order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1665

Mr. GRASSLEY. Madam President, I call for the regular order with respect to amendment No. 1665.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1713 TO AMENDMENT NO. 1665

Mr. GRASSLEY. Madam President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1713 to amendment No. 1665.

The amendment reads as follows:

(Purpose: To provide that funds must be used in a manner consistent with the Bipartisan Trade Promotion Authority Act of 2002)

Strike all after "SEC. 522." and insert the following: "None of the funds appropriated or otherwise made available by this Act may be used in a manner that is inconsistent with the principle negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

"(1) to enforce vigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws;

"(2) to avoid agreements that—

"(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

"(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

"(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers."

Mr. GRASSLEY. Madam President, what I have tried to do in this second-degree amendment is correct some

flaws in the Dorgan amendment. My amendment is also meant to ensure that we maintain the strength of our trade remedy laws.

My amendment makes it clear that no funds may be used to negotiate trade agreements that do not enable the United States to preserve our ability to enforce rigorously our trade laws, including antidumping and safeguard laws.

Quite obviously, if we have laws on our books to protect our economy from unfair competition, every Senator wants to make sure those laws are rigorously enforced, including antidumping and safeguard laws.

In addition, under my amendment, our trade negotiators must avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially for dumping and subsidies. This pertains to a situation if they would lessen the effectiveness of domestic and international safeguard provisions.

My amendment is a good amendment which will ensure our trade remedy laws remain strong and that U.S. workers have effective protection against unfair import competition.

The underlying amendment I am amending, the Dorgan amendment No. 1665, purports to do the same thing. And it might. But it also has some very serious—and perhaps, hopefully, unintended—consequences. The Dorgan amendment says no funds may be used "to negotiate or enter into a trade agreement that modifies or amends any law of the United States that provides safeguards from unfair foreign trade practices. . . ."

Now, that sounds pretty good. But if you look at this amendment a little deeper, you can see that it has serious problems. Such a sweeping amendment would prohibit our negotiators from entering into trade agreements even if the trade agreement resulted in stronger trade remedy laws.

For example, if we could not negotiate bilateral agricultural safeguards similar to those we have recently negotiated in our bilateral agreements with Chile and Australia—and these are only two examples—or maybe even in the plurilateral agreement, such as passed by the Senate, CAFTA—we could not negotiate multilateral agreements such as the OECD steel negotiations that could strengthen our trade remedy laws.

At the same time, the Dorgan amendment would severely hamper our ability to negotiate trade agreements that benefit U.S. exporters.

Now, that may be a well-intended position of my friend from the agricultural State of North Dakota—and I work with him on a lot of agricultural legislation—but it is a slippery path where we cannot even discuss trade remedies even if those discussions end up strengthening some of these remedies, such as in the case of CAFTA and Australia and Chile.

It will happen that our trade partners will respond by demanding other items

be taken off the table. In other words, once we go to the table in good faith to negotiate, and we start saying, "This is not negotiable, that is not negotiable," then you could understand that trading partners are all going to have their pet projects off the table. If we want to negotiate strengthening some remedies, as we did in the case of Australia, Chile, we could not do that. So I am trying to correct some of the inadequacies within this amendment.

Of course, when you start getting things taken off the table—the United States takes something off; the European Union takes something off; India takes something off—it has to have all items on the table in order to protect the economic interests of the United States. Particularly I found that going back to the Uruguay Round of trade negotiations, you had to have everything on the table to win any benefit for American agriculture.

The amendment by my friend from North Dakota would only serve to hamstring our negotiators, particularly if those negotiators want to strengthen our positions, as we did in Australia and Chile. And this amendment would be doing it at a time just as we are pushing the Europeans, we are pushing the Brazilians, we are pushing the G20 group, the G10 group—and for that matter I think we are pushing every other G-numbered group you can think of—to get some help for the American economy, which comes from negotiations to get down trade barriers, to get all of these groups, Europeans, Brazilians, G20, G10, G-everybody, serious and start making meaningful concessions in these negotiations, especially for the benefit of American agriculture.

Today, foreign agricultural markets are among the most protected sectors in world trade. Global tariffs on agriculture average about 62 percent. The United States, I believe, is about 11 percent. Thus, America's farmers and ranchers have much to gain if we can deliver a comprehensive, multilateral trade agreement that lowers tariffs across the board and forces subsidizing nations to harmonize and reduce their tariffs.

Let me quantify that: 62-percent worldwide average of tariffs up here of other countries; the United States at 11 percent down here. We bring these other countries down to ours, or down part way to ours; or if we bring ours down lower, as they bring theirs down lower. Common sense dictates a win-win situation for our farmers.

Because of some of these concerns as to the Dorgan amendment that I have raised about maybe the inability to even strengthen some of our trade remedies, as we did in Australia and Chile, many groups have been concerned. This amendment by my distinguished friend from North Dakota has been before the Senate now for about 4 days, so a lot of other groups have written to me about their opposition because they are concerned about it: the American Farm

Bureau, the Business Roundtable, Coalition of Service Industries, the Comprehensive Market Access Coalition, the Emergency Committee for American Trade, the National Association of Manufacturers, the National Foreign Trade Council, the U.S. Chamber of Commerce, the U.S. Council for International Business, and, lastly—and one that is very important to the upper Midwest—the Corn Refiners Association.

All of these groups I have listed have expressed their strong opposition to the Dorgan amendment and I would hope would be satisfied with the amendment I have put before the Senate.

Even more important than those who want this bill to become law, the administration has weighed in strongly against the Dorgan amendment. I would like to quote from a letter I received from our Commerce Secretary, Mr. Gutierrez, and our U.S. Trade Representative, former Congressman and now Ambassador Rob Portman:

... Senator DORGAN's amendment would undermine our efforts to protect our workers and firms from unfair trade practices and to open foreign markets to America's goods and services. ... the amendment would prevent us from negotiating agreements to improve protections against unfair trade practices where the current rules may not be fully effective.

Then they go on to say:

The amendment could also prevent us from negotiating stronger disciplines on foreign subsidies and protections for U.S. exporters against abuses by foreign users of trade remedy laws.

In fact, the Secretary and the Ambassador feel so strongly about the damages this amendment could do, they sent a letter saying they would recommend that the President veto the Commerce-Justice-Science appropriations bill if the Dorgan amendment is included.

So the bottom line: the choice is pretty simple. If Senators want to take away an opportunity to strengthen trade remedy laws, in effect, hamper our negotiators, and at the same time ensure a veto of this bill, a veto of a bill that is very important, then support the Dorgan amendment. But if Senators want to preserve strong trade remedy laws, and even opportunities to make them stronger, and avoid a veto, then please support my second-degree amendment.

I urge my colleagues to carefully consider the stakes in this vote. I think the stakes are high. There is a way to both preserve and improve our trade remedy laws, also a way of avoiding a Presidential veto, and that would be voting for my amendment No. 1713, which is a second-degree amendment to the Dorgan amendment No. 1665.

I do not know whether the Senator from North Dakota intended to not give our negotiators an opportunity to strengthen our trade remedy laws, as we did in Australia and Chile, but my amendment will take care of that oversight.

I yield the floor.

Ms. MIKULSKI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, my colleague from Iowa, Senator GRASSLEY, has offered a second-degree amendment to the amendment I have pending dealing with our trade laws. This amendment is just fine, as far as I am concerned. I hope everyone will support it. It restates what is already in the underlying bill. It reminds me of those days when, as a young boy, I used to buy magic kits and they would have vanishing ink. You would write it and then you wouldn't see it. There was nothing there. So we have these vanishing ink amendments that mean nothing, say nothing, do nothing. I am for it. We apparently will have an opportunity to vote on the Grassley amendment. I hope we will have side-by-side opportunities to vote on the Grassley amendment that does nothing, and then an amendment that does something, something that stands up for the economic interests of the American people.

This is probably one of the only institutions in the entire world in which failure is deemed a success, and the more failure, the more we ought to do of it, according to the philosophy of some here in the Senate.

This chart shows our trade deficits, the red ink. This is the record trade deficit of last year, and it is going to be higher now. This is a description of how much we are buying from abroad more than we are selling abroad and, therefore, a description of how many American jobs are being sent abroad. That is what it means. Every single day—today is Thursday—we buy \$2 billion more from other countries in goods and services than we sell to other countries. That means every single day someone outside of this country ends up with a \$2 billion claim against America, American assets, American securities, American property.

Does it matter? To some it doesn't. Some think this is wonderful. They are like hogs in a corncrib; they can't get enough of this. Why? Because as we move American jobs overseas and fire American workers and then hire workers in Bangladesh or Indonesia or China, and pay them 33 cents an hour to make bicycles and trinkets and trousers and shirts and shoes, and send them to the big box retailers in America in Toledo and Los Angeles and Chicago and Fargo, the consumer gets to go in and buy an Etch A Sketch for \$9.99 or a shirt for \$9.99.

What a wonderful thing that is that the consumers get to buy a cheap shirt

made in Indonesia or China, a shirt that used to be made by an American worker who got fired. Because we buy all of that merchandise, goods and services from abroad every day, and because China ships \$170 billion more of it to our country in 1 year than it buys from our country, it means American jobs are leaving in wholesale numbers.

So this is what results, massive trade deficits, getting worse and worse, and nobody seems to care. This body, the White House, the entire Congress seems to sleep through it all. It is kind of a "Rip Van Winkle" public policy strategy. Why? Because there is not one person here who is going to lose their job over it. There is not one person wearing suspenders, not one person wearing a blue suit or smoking a cigar who is going to lose their job because jobs are outsourced to Indonesia or China. It is working folks. Bob Wills of the Texas Playboys—I have quoted him often in a song from 1941 which says: The little bee sucks the blossom, the big bee gets the honey. The little guy picks the cotton, the big guy gets the money.

So it is all of this red ink for America and jobs moving overseas which is represented as a foundation of injury to American workers and profits to those who can pole-vault over all of those nuances in public policy, such as child labor laws, minimum wages, environmental laws, the right to organize.

Well, the small trade amendment I have offered to this bill that caused such an apoplectic seizure yesterday so that we could not continue to vote, that small trade amendment I offered, does the following: It says there is a trade negotiation going on in a place called Doha. Not many have been to Doha. It is not a secret why trade negotiations are held behind closed doors in Doha because if they held them in any major city in the world there would be traffic jams with protesters, people concerned about what this is doing to their jobs.

There is a negotiation going on in Doha, and in that negotiation other countries have objected to something we have done in this country. We have something called antidumping laws to try to protect American businesses, American farmers, American workers. If other countries decide, look, we are going to target the American marketplace, there is only one American marketplace on this Earth of ours, we are going to target it because we want to go in and dump products at below cost, destroy the domestic industry, and then we will have the entire market to ourselves in the United States. If they try to do that, it is unfair trade. That is unfair trade.

So we have something called antidumping laws that would take action against those countries that try to engage in unfair trade. We also have laws that deal with countervailing duties if a country is deeply subsidizing its product in order to dump it into the U.S. marketplace. So we have protec-

tions for American businesses, American workers, American farmers, American ranchers.

At the trade negotiation in Doha, other countries are demanding that we get rid of the protections that exist that would prohibit dumping of products into our marketplace. They demand that we get rid of these protections. Our trade negotiators have said, all right, everything is on the table to be negotiated. It should not be, and I do not agree that it should be, and so I have introduced an amendment that says nothing in this act that funds our U.S. trade ambassador's office or the Commerce Department should allow them or can allow them to engage in negotiations that will weaken the basic protections that exist in this country that require trade fairness.

The White House has issued a veto notice if my amendment should pass. Curious and strange that a provision that stands up for the economic interests of our country would engender a threatened veto from the White House.

The Cato Institute has sent around the following, and they can be counted on, by the way, to provide aggressive support. They have everything except the pompoms to be bona fide cheerleaders. As we get in deeper and deeper trouble, these folks think moral failure represents success. Here is what the Cato Institute says: This amendment—speaking of my amendment—is highly irresponsible, shortsighted, opportunistic, and severely detrimental to the U.S. economic interests and the conduct of U.S. trade and foreign policy.

I do not know, but as I read that work, it seems they do not support my amendment.

The United States hopes to open foreign agricultural, nonagricultural, and service markets. To achieve those goals, it must be willing to reform its agricultural and antidumping policies. What does that mean? The United States must be willing to reform its policies on antidumping and agricultural policies? Interesting, is it not?

This is what the Cato Institute is really saying: We have to get rid of these protections that exist in current law in this country to protect American workers and American business. We have to get rid of that because others do not like it, so let us negotiate it away. If it hurts farmers, so what. I mean, that is the attitude. Talk about elitists. A lot of people throw around the term "elitists."

If it hurts farmers and ranchers, so what; just negotiate away the protections that currently exist for farmers and ranchers in international trade, protections incidentally that are seldom implemented because we have trade officials who do not have a will, a backbone, or a nerve. Aside from those anatomical deficiencies, they exist in law. Now we have people who want to negotiate away the basic protections.

My colleague has come to the floor to offer a second-degree amendment, the

purpose of which is to kill the basic premise of what I am trying to do. The second-degree amendment is interesting, and I was at first thinking curious, but it is not curious because it is simple. It simply restates that which is in current law. It will do nothing to prevent our negotiators from doing what they say they are able to do in the current Doha negotiations, which is to negotiate away the basic protections that exist for our farmers, our ranchers, our businesses, and our workers.

The Cato Institute further says: If Senator DORGAN is unhappy with the final text of the Doha agreement, should it come to fruition, he can vote against its passage.

Well, one can do that for sure. The only thing one cannot do is they cannot amend it. Why? Because this Congress, with the support of Cato and the President, decided what would be smart for all of us to do is put all of us in a straitjacket and decide beforehand that we will give fast-track trade authority for people to negotiate—in this case in Doha—behind closed doors, in secret, and the product they bring back to this institution will not be able to be amended. We are able to amend almost anything else, including nuclear arms agreements, but trade agreements, no; no, because those are negotiated in secret. And when they come back, they come back under something called fast track. So there are no amendments, even to correct the obvious deficiencies.

We have had almost this exact scenario previously. It occurred in 2002, May 14, my birthday, incidentally. We had an amendment on the floor of the Senate by Senator DAYTON and Senator CRAIG, a bipartisan amendment, that would have done essentially the same thing. It said there is no fast-track authority for any trade agreement that comes back in which our negotiators have negotiated away the basic protections, the antidumping laws and so on, that exist for our farmers, ranchers, and businesses. That passed with 61 votes. It was true then that I believe either Senator GRASSLEY or Senator BAUCUS offered another amendment that was kind of a cover amendment, and that passed 98 to 0 because it did not particularly mean much. It set up objectives but objectives that are similar to a strainer, enough holes so that whatever one wants to put through it goes through it.

So Senator GRASSLEY now has a second-degree amendment that says: Let us all agree to that which we previously agreed to that does not do anything.

So sign me up. If there is a list, let me be signed up real quick to say: Let me agree to that which was previously agreed to that does nothing. And then we will have a vote on my amendment that says: Let us stand up for the economic interests of this country; let us stand up for the economic interests of businesses and workers and insist to

other countries that the right way to do trade is fair trade. If it is not fair, then every country has a right to use its remedies to address and take action against unfair trade.

I mentioned yesterday we very seldom take any kind of action under any circumstances. We do not ever take trade action. We did once against Europe recently. We slapped the Europeans with tariffs on truffles, goose liver, and Roquefort cheese. That scared the devil out of the Europeans. This big old strong country decided to take action against Europe. We are going to single out truffles, Roquefort cheese, and goose liver.

That is hardly the "John Wayne" approach to dealing with what we understand and know to be unfair trade.

This represents a crisis. This represents a real problem, and nobody seems to care very much. My amendment is an attempt to prevent further damage in the new negotiations. It is not, as the Cato Institute insists, that I do not believe in trade. I believe in expanded trade. I believe it makes sense to have expanded trade, provided it is fair. I believe trade ought to try to lift other countries up, not press American workers and firms down.

Perhaps there will come a time when we will look back and say: Why did we not understand what this meant to our country? Why did we not understand the danger that buying \$2 billion a day from abroad more than we send abroad in exports, the danger that portrayed to our economy? Why did we not understand that? Why did we not catch it? Why did somebody not blow the whistle on it?

My hometown is 400 people, and we had a whistle similar to a lot of hometowns. We have a fire whistle, but it is also used for other purposes. Every noon, the whistle blew in my hometown. Every day at 6 the fire whistle blew in my hometown. Every day at 10 the whistle blew. We had the fire whistle blowing three times in a town of 400 people. Small towns did that to signal that it is 12. Everybody in town should know it is 12, the fire whistle is blowing. We do not have any signals around here.

I would like to see somebody blow a whistle around here at some point. When do you blow the whistle—at a \$700 billion, \$800 billion, \$1 trillion trade deficit in 1 year? We had people doing gymnastic exercises earlier this week because the trade deficit in the past month, I think it was announced last Friday, was only 57-plus-billion dollars in 1 single month, the fifth worst trade deficit in history, and people said: What a great thing that is. It actually improved a little from the month before momentarily.

My only point is, I think that those who are content to sleep through what is a growing American crisis do no favors to American workers and American business and certainly do no favors to future economic opportunity in this great country of ours. This coun-

try is measured in terms of its wealth, not by what it consumes but rather by what it produces, and if we do not stand up for producers to insist and demand fair trade, yes, ranchers and farmers, manufacturers and businesses, we do not have the strength and backbone to do that, if we are content to let people with tiny, little glasses and big degrees go halfway around the world, behind closed doors, and negotiate in secret trade agreements that continue to give us this kind of performance and move American jobs overseas and undermine American business and undermine American farmers and ranchers, then this Senate and this Congress ought to hang its head.

We can do a lot better, and should, and the place to start the first baby step, in my judgment, is to start with two things: Vote for the Grassley second-degree amendment that says we agree with which we have previously agreed and want to vote yes for something that does nothing, but it does not harm anything, so we will all vote yes and then vote for the amendment that I have offered—it has been now pending for almost a week—that does stand up for this country's economic interests. It does not impede fair trade or free trade. It demands and insists that we have the right to protect ourselves when others will use trade practices to injure our country, our workers, our manufacturers, our farmers, our ranchers. So we will vote at some point and my hope is that those who feel as I do will support the amendment I have offered for the reasons I have described.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENSIGN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1713, AS MODIFIED

Mr. SHELBY. Mr. President, I now ask unanimous consent that the Grassley amendment No. 1713 be modified to be a first-degree amendment and that at 11:45, the Senate proceed to a vote in relation to the Grassley amendment No. 1713, as modified, to be followed by a vote in relation to the Dorgan amendment No. 1665, with no amendments in order to the amendments prior to the votes and with 2 minutes of debate equally divided prior to the second vote.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT 1713, AS MODIFIED

At the appropriate place, insert:
"SEC. ____ None of the funds appropriated or otherwise made available by this Act may be used in a manner that is inconsistent with the principle negotiating objective of the

United States with respect to trade remedy laws to preserve the ability of the United States—

"(1) to enforce vigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws;

"(2) to avoid agreements that—

"(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

"(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

"(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers."

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, what is the regular order?

The PRESIDING OFFICER. The question is on agreeing to Grassley amendment No. 1713, as modified.

Mr. SHELBY. Mr. President, I ask for the yeas and nays on the Grassley amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey Mr. (CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—99

Akaka	DeWine	Lieberman
Alexander	Dodd	Lincoln
Allard	Dole	Lott
Allen	Domenici	Lugar
Baucus	Dorgan	Martinez
Bayh	Durbin	McCain
Bennett	Ensign	McConnell
Biden	Enzi	Mikulski
Bingaman	Feingold	Murkowski
Bond	Feinstein	Murray
Boxer	Frist	Nelson (FL)
Brownback	Graham	Nelson (NE)
Bunning	Grassley	Obama
Burns	Gregg	Pryor
Burr	Hagel	Reed
Byrd	Harkin	Reid
Cantwell	Hatch	Roberts
Carper	Hutchison	Rockefeller
Chafee	Inhofe	Salazar
Chambliss	Inouye	Santorum
Clinton	Isakson	Sarbanes
Coburn	Jeffords	Schumer
Cochran	Johnson	Sessions
Coleman	Kennedy	Shelby
Collins	Kerry	Smith
Conrad	Kohl	Snowe
Cornyn	Kyl	Specter
Craig	Landrieu	Stabenow
Crapo	Lautenberg	Stevens
Dayton	Leahy	Sununu
DeMint	Levin	Talent

Thomas Vitter Warner
Thune Voinovich Wyden

NOT VOTING—1

Corzine

The amendment (No. 1713, as modified) was agreed to.

AMENDMENT NO. 1665

The PRESIDING OFFICER (Mr. THUNE). There are now 2 minutes equally divided on the Dorgan amendment.

Who seeks time?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have spoken previously on this amendment. I will not prolong the debate. This amendment is very simple. It says that our negotiators, in negotiating a new trade round, shall not be allowed to negotiate the weakening of the basic protections in our trade law, antidumping laws, countervailing duties, the protections that protect American ranchers and farmers and businesses and workers. We must stand up for the economic interests of this country.

The reason this amendment is necessary is because it has been widely announced that our negotiators are prepared to agree with others to lay on the table the weakening of our basic protections, such as antidumping laws and countervailing duties. That would injure this country, move more jobs outside of this country, hurt farmers, ranchers, businesses, and workers.

I hope support for this amendment will send a very strong signal to those who are negotiating these trade treaties.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask my colleagues to vote against this amendment, No. 1, because Commerce Secretary Gutierrez and Mr. Portman, our Trade Representative, have said they are going to recommend a veto of the bill if the Dorgan amendment is adopted.

Also, I have these organizations that have sent a letter in opposition to the amendment. The organizations include the American Farm Bureau Federation, the American Peanut Product Manufacturers, Inc., the American Soybean Association, the Corn Refiners Association, the Distilled Spirits Council of the United States, the Food Products Association, the Grocery Manufacturers Association, the International Dairy Foods Association, the National Cattlemen's Beef Association, the National Chicken Council, the National Corn Growers Association, et cetera, et cetera—with about eight more I could read.

We have adopted my amendment now. We have a policy that is broad to make sure things are not weakened, but if they want to be strengthened, they can be strengthened, as well, as we don't take a lot of things off the negotiating table. If we are going to be successful in agriculture, we have to have a broad number of issues on the table to get any success for agriculture.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—39

Akaka	Dodd	Leahy
Bayh	Dorgan	Levin
Biden	Durbin	Mikulski
Bingaman	Feingold	Nelson (FL)
Boxer	Graham	Pryor
Byrd	Harkin	Reid
Chambliss	Inouye	Rockefeller
Clinton	Johnson	Salazar
Coburn	Kennedy	Sarbanes
Collins	Kerry	Shelby
Conrad	Kohl	Snowe
Craig	Landrieu	Specter
Dayton	Lautenberg	Stabenow

NAYS—60

Alexander	Domenici	McConnell
Allard	Ensign	Murkowski
Allen	Enzi	Murray
Baucus	Feinstein	Nelson (NE)
Bennett	Frist	Obama
Bond	Grassley	Reed
Brownback	Gregg	Roberts
Bunning	Hagel	Santorum
Burns	Hatch	Schumer
Burr	Hutchison	Sessions
Cantwell	Inhofe	Smith
Carper	Isakson	Stevens
Chafee	Jeffords	Sununu
Cochran	Kyl	Talent
Coleman	Lieberman	Thomas
Cornyn	Lincoln	Thune
Crapo	Lott	Vitter
DeMint	Lugar	Voinovich
DeWine	Martinez	Warner
Dole	McCain	Wyden

NOT VOTING—1

Corzine

The amendment (No. 1665) was rejected.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1719 THROUGH 1721, EN BLOC

Mr. SHELBY. Mr. President, I ask unanimous consent that the managers' amendments I now send to the desk be considered and agreed to en bloc. These amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1719

(Purpose: To provide \$5,000,000 in the Southwest United States for hiring officers dedicated to the investigation of manufacturers of fraudulent Federal identity documents, Federal travel documents, or documents allowing access to Federal programs)

On page 120, line 24, after the colon insert the following: "Provided further, That of the funds provided under this heading, \$5,000,000 may be expended for hiring officers in the Southwest United States dedicated to the investigation of manufacturers of fraudulent Federal identity documents, Federal travel documents, or documents allowing access to Federal programs:"

AMENDMENT NO. 1720

(Purpose: To provide funds for economic adjustment and development to areas impacted by Hurricane Katrina)

On page 147, line 5, strike "\$283,985,000" and all that follows through line 6 and insert the following: "\$483,985,000, to remain available until expended: *Provided*, That \$200,000,000 shall be for assistance described in section 209(c)(2) of that Act (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

On page 147, line 10, strike "\$30,939,000: *Provided*" and insert the following: "\$40,939,000: *Provided*, That \$10,000,000 shall be for salaries and expenses of carrying out section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress): *Provided further*

AMENDMENT NO. 1721

(Purpose: To permit certain health professionals who are displaced by Hurricane Katrina to provide health-related services under the medicare, medicaid, SCHIP, and Indian Health Service programs in States to which such professionals relocate)

At the appropriate place, insert the following:

SEC. ____ . WAIVER OF LICENSING AND CERTIFICATION REQUIREMENTS APPLICABLE TO CERTAIN HEALTH PROFESSIONALS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an eligible health professional may provide health-related services under the medicare, medicaid, or SCHIP program under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., and 1397 et seq.) and under Indian Health Service programs, regardless of the licensing or certification laws of the State in which such services are being provided, during the 90-day period that begins on the date on which eligibility is determined by the State licensing board of the State in which such professional will provide health-related services under this subsection.

(b) ELIGIBLE HEALTH PROFESSIONAL.—To be eligible to provide health-related services in a State during the period referred to in subsection (a) without State licensure or certification, a health professional shall—

(1) be a physician, nurse, dentist, pharmacist, mental health professional, or allied health profession, or any other professional determined appropriate by the Secretary of Health and Human Services;

(2) have a valid license from, or be certified in, at least one of the States affected by Hurricane Katrina, as described in subsection (d), and not be affirmatively barred from practicing in that State;

(3) have been evacuated from Louisiana or Mississippi as a result of Hurricane Katrina; and

(4) have applied, prior to March 31, 2006, for a license or certification in the State in which such professional will provide the health-related services under subsection (a) without State licensure or certification.

(c) EVIDENCE OF LICENSURE.—

(1) IN GENERAL.—A State may develop a process to verify the licensing credentials of a health professional to which this section applies if the professional has no official evidence of licensure in his or her possession.

(2) FRAUD.—An individual who wilfully provides any false or misleading information to a Federal, State, or local official for purposes of being covered under the provisions of this section shall, in addition to any State penalties that may apply, be subject to a fine, as determined appropriate by the Attorney General in accordance with title 18, United States Code.

(d) STATES DESCRIBED.—The States described in this subsection are Louisiana and Mississippi.

(e) LIMITATION.—A health professional may only elect to utilize the provisions of this section for a single 90-day period.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering or affecting any procedures adopted by State health professional licensing or certification boards relating to waivers of licensing and certification requirements for health professionals affected by Hurricane Katrina.

(g) DEFINITION.—In this section, the term “health-related services”, as such term is applied to health professional under this section, means services provided by a health professional that are consistent with the scope of practice of the professional in the State in which such professional is seeking licensure or certification.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise for the purpose of making a unanimous consent request for a piece of legislation that is within my jurisdiction, and then, also, as a favor to another person, to make a unanimous consent request. Before I make that unanimous consent request, I would like to make a short statement, and then have Senator BAUCUS make a short statement before I proceed to the unanimous consent request. May I go ahead?

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY TAX RELIEF FOR HURRICANE KATRINA VICTIMS

Mr. GRASSLEY. Mr. President, on Tuesday night, Senator BAUCUS and I introduced a package of tax relief measures designed to help the victims of Hurricane Katrina both in the short and long term.

We know that tax incentives helped to revitalize New York after 9/11. They can do the same for New Orleans, Gulfport, and other hurricane-hit areas. We are pleased that the Members of the affected region join us in this effort, including Senators LOTT, LANDRIEU, VITTER, COCHRAN, and SHELBY.

The immediate relief package will help get short-term aid to the hurri-

cane victims by encouraging food donations and the employment of displaced persons, as two examples.

For those who have suffered casualty losses, we have liberalized the tax rules to permit affected taxpayers to deduct losses from damaged property.

We also want to help protect Katrina victims from undeserved IRS harassment.

We expect to see prompt action by Congress on this tax relief package. We need to get these tax incentives on the books and help Katrina victims make a fresh start.

After this package is completed, our focus in the committee will be on longer term tax incentives to help rebuild homes and businesses. We are looking at depreciation changes, tax-exempt bond authority, and enterprise zone initiatives.

Life will never be the same for our fellow citizens in the gulf region, and what we have all seen over the last 2 weeks will stay in the hearts and minds of all of us for years to come.

With this first initiative from the Finance Committee, a bipartisan initiative—and I thank Senator BAUCUS for his extreme cooperation, in fact, even leadership in getting this to where it is now—this first initiative—and there are going to be more in other areas where we have jurisdiction—we want the victims in all the affected areas to know they can count on us to create a set of measures that will help return vitality and vigor to the gulf region.

Mr. President, I defer now to Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I thank my colleague, Senator GRASSLEY, the chairman of the Finance Committee. We believe that Congress must act quickly. We bypassed the usual committee process. Senator GRASSLEY and I sat down with our staffs and said: What can we do right away to help Katrina victims? What can we do to help the States and get something passed very quickly?

Time is of the essence, clearly. We decided that people needed cash. So we have enacted several provisions in this legislation which allows people to have more cash or ways so they do not have to make payments that otherwise they would have to make.

Second, we are trying to help ease some of the dire housing conditions in the affected areas. We have provisions which allow people to take an exemption for taking in Katrina victims. We think that will help significantly.

We are also helping by giving incentives to employers so they can more quickly hire people and, if they cannot hire them, we are going to make sure we get more dollars into former employees' pockets.

This is a start. We clearly have to do more. I very much hope that later on today we can pass legislation with respect to Medicaid assistance. Senator GRASSLEY and I have been working

very hard in both these areas. In the not too long term, we obviously are going to bring up a package for long-term assistance—enterprise zones, increasing appreciation acceleration, bonding authority—to help rebuild the infrastructure.

I thank Senator GRASSLEY very much for his help. I also thank him very much for helping clear some objections to this bill on the other side. There were two Republican holds on this bill today. I had hoped to bring this bill up this morning and get it passed. We did have some holds. I thank very much the Senator from Iowa for his help in getting those holds released so we can get this bill passed.

I also hope, as I mentioned, we can get the Medicaid bill passed today. This is the week. We have to pass this legislation. We, as Senators, cannot get too wrapped around the axle. We cannot be too concerned about how the I's are dotted or the T's are crossed. We have to act. Congress will meet another day. We can make up differences. We can amend legislation in future days if something is not quite perfect either today or in the next couple of days. Let's not let perfection be the enemy of the good here.

This is good legislation. We are getting this tax package passed. That is good. I very much hope we can get the Medicaid package passed. It is good, too.

I urge all of us to work together and rise to the occasion. This is an emergency. Let's get this legislation passed—not only this package but the Medicaid package as well.

Again, I thank Senator GRASSLEY for working to get those holds on the bill removed so we could get this legislation passed.

I am proud to announce that Saturday is the Senator's birthday. So I hope this will be a good birthday present for the Senator, to get both of these bills passed today so we can, on this coming Saturday, know that a couple days earlier, the chairman of the Finance Committee got legislation passed that did some good for people in the affected area.

Mr. President, I thank the chairman for helping.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, obviously, I thank Senator BAUCUS for the personal comment he made about my upcoming birthday. More importantly, once again, we have had such smooth working relationships on these two very important bills. Our staffs have cooperated very closely. There has been some compromise but not a lot because I think we are all going in the same direction.

Mr. President, I ask unanimous consent, pursuant to the remarks I made and the remarks Senator BAUCUS has made, that the Committee on Finance be discharged from further consideration of S. 1696 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1696) to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, I thank Senate Finance Chairman GRASSLEY and Ranking Member BAUCUS for their extraordinary work, to so expeditiously draft this important legislation in a bipartisan manner. This package will provide immediate tax relief to those directly affected by this incredible disaster.

As we have rightfully focused on rescuing, reuniting and rebuilding, we must also make sure to take care of our strained military families. The first and best definition of patriotism is keeping faith with those who wear our uniform. That means giving our troops the resources they need to keep safe while they are keeping us safe. And it means supporting our troops at home as well as abroad.

More than 40 percent of military reservists and National Guard members suffer pay cut when they are called to defend our Nation, including those serving in the gulf coast today. These citizens serve nobly. They are much more than weekend warriors. Currently, there are over 140,000 reservists called up for active duty in the war against terrorism and over 10,000 of these reservists and guardsmen are from Louisiana, Alabama, and Mississippi. Over 50,000 National Guard members have been called up to assist with Hurricane Katrina.

Many of these reservists are being hit with a double-whammy. After recent service in Iraq or Afghanistan, they are coming home to an area that has been devastated. The all-volunteer Army depends on these reservists. They have been serving our country with distinction and pride for many years, and should not be penalized financially for their honorable service.

Businesses on the gulf coast want to do the right thing for their employees. But in the wake of this disaster, most just can't afford it. This legislation will help businesses do the right thing. The bill will provide an employee retention credit which provides a 40 percent tax credit for wages paid up to \$6,000 after August 28, 2005 and before December 31, 2005. This credit will help employers in the gulf coast who pay employees that are not able to work because the business was either damaged or destroyed and pay reservists and guardsmen that worked for them right up to the time before they were deployed.

For the last couple of years, Senator LANDRIEU and I have worked on legislation to provide assistance to businesses that employ reservists who have been called up to active duty. That legislation would provide tax credits to em-

ployers who pay reservists wages that are above their military pay and to help with the costs of hiring replacement workers. I thank Chairman GRASSLEY and Ranking Member BAUCUS for working with me to include wages paid to eligible reservists and guardsman as part of the employee retention tax credit.

The Hurricane Katrina tax relief legislation helps our reservists and the businesses that employ them to ensure that our great tradition of citizen soldiers does not fade or end because of the effect service can have on work and family in this time of crisis.

I am also pleased that this tax package has a set of provisions to encourage charitable giving. We have all been overwhelmed by the generosity and compassion of the American people, who have sacrificed their time and money, sent food and supplies south by the truckload, and even opened up their homes to strangers. This provision will make giving easier, particularly by allowing rollover contributions from IRA accounts.

This legislation is the right thing to do in the face of this disaster. It can help make sure our reservists' families don't have to sacrifice beyond their means while our brave men and women are away from home helping other families. This legislation can make it easier for the incomparable generosity of the American people to continue by easing some restrictions on charitable giving.

Again, I thank Senators GRASSLEY and BAUCUS for their efforts on this package.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, that the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that the bill be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1722) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 1696), as amended, was read the third time and passed.

Mr. GRASSLEY. Mr. President, as I said, I have another request I want to do for other Members.

SPORTFISHING AND RECREATIONAL BOATING SAFETY AMENDMENTS ACT OF 2005

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3649, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3649) to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, that the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

The amendment (No. 1723) was agreed to, as follows:

(Purpose: To make technical corrections to Public Law 109-59)

SEC. . CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY UNDER SECTION 1102(c)(4)(A) OF PUBLIC LAW 109-59.

Notwithstanding section 1102(c) (4) (A) of Public Law 109-59; 119 Stat. 1144, et seq., or any other provision of law, for fiscal year 2005, obligation authority for funds made available under title I of division H of Public Law 108-447; 118 Stat. 3216 for expenses necessary to discharge the functions of the Secretary of Transportation with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, shall be made available in an amount equal to the funds provided therein: Provided, That the additional obligation authority needed to meet the requirements of this section shall be withdrawn from the obligation authority previously distributed to the other programs, projects, and activities funded by the amount deducted under section 117 of title I of division H of Public Law 108-447.

The bill (H.R. 3649), as amended, was read the third time and passed.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I further ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HISPANIC HERITAGE MONTH

Mr. MARTINEZ. Mr. President, I was honored to join Majority Leader FRIST in cosponsoring S. Res. 238 recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of our Nation. S. Res. 238 passed the Senate by unanimous consent today, September 15, the kickoff of a month-long celebration and observation of Hispanic-American strength and culture in this country.

Diversity truly represents the best of America, a nation where each of us can be proud of our ancestry, our heritage, and our native language, yet a nation

where we at the same time can stand together with our neighbor, regardless of our own background, and all call ourselves Americans.

Hispanic Americans have much to be proud of and much to celebrate. I have said this before, but I am so proud to have been elected the first Cuban American in the Senate. I feel a great weight of responsibility in representing not only the Cuban-American community and the great State of Florida but in a way the entire Hispanic-American community in our country. I know my colleague from Colorado, Senator SALAZAR, must feel the same weight of responsibility. I am very honored to serve in this Senate with him.

As I like to say, in America, when you work hard and play by the rules, anything is possible. This year, Judge Alberto Gonzales was sworn in as our Attorney General.

Alberto Gonzales is the first Hispanic American to ever serve in one of the four elite Cabinet posts in Government—Defense, Treasury, State and Attorney General, which he now proudly occupies. He is an inspiration for our next generation. The second Cuban American to serve in the President's Cabinet also took office this year—Secretary Carlos Gutierrez at the Department of Commerce. I was proud to support both their nominations.

We have made great strides in breaking into the highest echelons of Government. And although I do not want to employ any litmus test of ethnicity, there would indeed be much to celebrate if our next Supreme Court nominee became the first Hispanic-American Justice of the Supreme Court.

Hispanic pride in our heritage has helped many look to their past for strength and use this strength to forge a better future for ourselves and our families in all facets of American life. Our achievements have greatly influenced America's policymaking, its economy, and the medical and artistic fields.

In fact, we should also point out that many Hispanic Americans proudly serve in our Armed Forces during this time of need. In fact, many have given their last measure of sacrifice, while others have suffered serious injuries.

But moving to other fields, now-deceased Cuban-American business leader and former chief executive officer of Coca-Cola Roberto Goizueta climbed the corporate ranks and helped Coca-Cola remain one of the premier brands around the world. Nobel Prize winner Severo Ochoa discovered the process that allows humans to create RNA in a test tube.

My close and personal friend, Congresswoman ILEANA ROS-LEHTINEN, became the first Hispanic-American woman and first Cuban-American to be elected to the U.S. Congress. And within the artistic field, Brazilian artist Romero Britto, whose concern for the youth of the world, combined with social and political sources, has had his work appear in over 60 national and international publications.

Just like throughout the Nation, the Hispanic community within Florida continues to grow rapidly, and our creativity and ingenuity keep contributing to American culture. Hispanic American and owner of NGI Solutions, Martha Korman, is making significant economic contributions to the greater Tampa area.

Puerto Ricans, like Orange County Commissioner Mildred Fernandez, climbed the ranks and is working to encourage homeownership and growth of small businesses in the Orlando region.

Like many other Hispanics, Cuban-American Gus Machado began with nothing but a dream and dedicated himself to his business and his community, making him today the owner of the number one Ford car dealerships in the Miami area. In Jacksonville, FL, Dr. Javier Garcia-Bengochea made his mark as the innovator of several instruments and systems used to improve spinal surgeries.

And in Florida, just this week, a young man named Marco Rubio was named the first Cuban-American Speaker in the Florida House of Representatives, and, I might add, the first Hispanic American. I know that he is going to be a great leader and voice for the State of Florida, and a great role model for our next generation of Hispanic Americans who want to make a difference.

We are proud to be Americans. We gladly stand together with all Americans of all races, creeds, and beliefs in this great country that we call home.

Our goal in observing Hispanic Heritage Month is not to set ourselves apart, but to ask our fellow citizens to join us in celebrating our culture, our heritage, and our achievements.

With great pride we celebrate the pioneers in our Nation and in Florida during this National Hispanic Heritage Month.

We pay tribute to America's diversity and honor the countless contributions Hispanics have made throughout the history of this great country.

And finally, we celebrate the values of the Hispanic-American community—family, faith, liberty, love of this country and love of our roots.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURRICANE KATRINA

Mr. MARTINEZ. Mr. President, it has been 3 weeks since Hurricane

Katrina came ashore bringing with her a wide swath of damage. Her winds whipped structures to devastation, her rains destroyed thousands of agricultural crops, and, sadly, the force of this storm resulted in death.

While I rise to speak of Hurricane Katrina, I do want to focus my remarks on the devastation this storm brought to the State of Florida. We all know of the devastation on the Gulf Coast States of Alabama, Mississippi, and Louisiana. Before that, Katrina paid a costly and deadly visit to the State of Florida. Florida suffered 14 deaths and over \$1 billion in damages.

The Governor declared a state of emergency and evacuations took place. As you may recall, last year, Florida was visited by four serious hurricanes. By the time Katrina hit, we already had received over 150 percent of the normal rainfall for the year. And more rain brought about a substantial amount of flooding.

Before Katrina came to Florida, we had been visited by, as I said, four hurricanes last year. Over 10 percent of Florida's homes were damaged. The storm displaced tens of thousands of people into shelters, and today over 20,000 Floridians are still living in some form of transitional housing.

The backlog of roof repair is so severe that we are sending our children to schools that are developing mold problems. Whole sectors of our agricultural industry are devastated. Frankly, it will take years to replant and nourish those crops.

I wish to take a few moments to mention that even though the people of my State are still recovering from the effects of Katrina and Dennis and Charley, Frances, Ivan, and Jeanne—even though folks are still living in trailers outside of their homes that have blue tarps on their roofs, Floridians are proudly pitching in to help the people of the gulf coast region.

Sarasota, FL, is sending teams of 140 trained Red Cross volunteers in 2-week cycles and in some cases longer than that. These volunteers are headed to the very areas where evacuees are streaming out. There is no power, no clean water, no hot showers. They are bringing evacuees back with them to Sarasota County—over 300 so far.

Early this week, I had occasion to visit the Red Cross center in Orlando. Over 200 people are volunteering their services there, as hundreds and expected thousands of evacuees are coming into that central Florida area, where they are finding that the hotel industry has made arrangements for them to receive temporary housing in the area of many hotels, and, at the same time, the community is pouring out their love and their care in helping find jobs and dealing with issues of physical as well as mental health, as well as incorporating children into the school system.

The Tampa Incident Management Group has sent 22 members to Hancock County, MS, where they have worked

16-hour days for 7 days. The group included emergency management personnel, firefighters, logistical support, public information officers, police, and crisis counselors. One of the members of the Hardee County EOC, Mr. Richard Shepard, says he felt a responsibility to go to Mississippi because he needed to give something back for all the help he had received last year.

The South Florida Urban Search and Rescue Team, comprised of 80 firefighters from agencies throughout Miami-Dade and Broward Counties, returned home after spending nearly 2 weeks helping Hurricane Katrina victims in the gulf coast.

A group of Bascom Palmer Eye Institute ophthalmologists is heading to Baton Rouge this week aboard the institute's 40-foot Vision Van to treat displaced victims of Hurricane Katrina who have lost eyeglasses and suffered other vision problems because of the storm.

The Panama City Boatmen's Association sent a three-truck convoy to Louisiana and Mississippi. Among the supplies: 150 cases of water, 80 cases of Gatorade, and 10 large bags of dog and cat food because the evacuees said they had something to eat, but their pets were literally starving.

Similar stories can be heard from throughout the State of Florida. Members of our Armed Forces and our National Guard have also answered the call and sought to help. But I want to particularly talk about a Florida resident and Navy pilot. LT J.G. Bale Dalton is a member of Helicopter Sea Combat Squadron 21—the Blackjack Squadron out of San Diego. When the call came through that hurricane relief was needed, his squadron flew helicopters across the country in order to be there in time for them to help. Now his father, who is my dear and longtime friend—currently my general counsel—Skip Dalton, has allowed me to read a little bit from his communications in those first few frantic days.

Writes LT J.G. Bale Dalton, on September 3:

My first flight into New Orleans was incredibly hectic. We went due east from Pensacola, so I was not able to see any of the Mississippi coast. The scene was chaos. Hardly anyone was able to get into the city on the ground, and the water was still rising. Helicopters from all services and even civilians were operating in the area, rescuing people and bringing food and supplies to rally points.

An airborne command and control element P-3 was tasking airplanes as fast as they could, but most often they were not able to give more than a GPS coordinate and a "good luck."

Another entry from September 3:

We were sent to a nursing home to remove what we thought were invalid older people. What we found was a small island of land with a field large enough to land three helicopters around what used to be a nursing home. We moved approximately 50 people—all families that were directed by New Orleans police to that spot.

September 4:

No rest for the weary. After returning to work with about five hours of rest (not sleep, just time from landing to briefing again) we again began to build a picture of what was going on.

People that had been stranded since the day the storm hit were beginning to come out of the woodwork. It was obvious that the first priority was to save people from the rising tides.

I went back into New Orleans later that day with a mission to find fire buckets and begin putting out fires.

Here is another entry from later that day:

We attempted to hoist people from an apartment complex into our helicopter, but were refused when they saw an ambulance a few blocks away that they were going to try to swim to.

Hard to understand for me, but I am sure the thought of being hoisted up on a wire to a helicopter is a scary prospect for most people. We moved from that area to an affected area in the northern part of the city to begin evacuating another group of people gathered by the police. We landed on a tennis court to get these people. They had not had food or water for five days.

I could go on and on with stories of Floridians helping out in the gulf coast, providing relief, aid, assistance, and, as you heard in the case of Navy LT J.G. Bale Dalton, rescuing people from the rising tides. But dramatic as these stories are, they are not unusual. This is what America is all about. If there is a need, Americans are there to help.

Given the impact of the stories and images of the devastation, I understand how our hearts and minds are turned to these current problems. But I am humbly here to ask that we simply do not overlook the fact that there has been a lot of suffering in Florida, that we, too, have suffered significant losses as a result of four very difficult hurricanes last year—an unprecedented number of major hurricanes to hit, crisscrossing the State of Florida—only to be revisited again by Hurricanes Dennis and Katrina this year. The extent of hurricane damage from last year was severe. In fact, we continue to try to dig out from under it.

Affordable long-term housing is one of the serious problems we are facing in Florida not only because of so much housing stock, particularly the affordable type, that was damaged last year, but now with the influx of evacuees into the State, some real long-term problems are beginning to present themselves. I have contacted the President and Agriculture Secretary Mike Johanns. I have talked with FEMA and my colleagues in the Senate. We have received some measure of assistance, but we must continue to look forward to the time when all Floridians will be made whole and when life will begin to be normal again for all Floridians.

Katrina did pay us a devastating visit in the early part of that storm. So while we continue to pour our hearts out to those in the gulf coast, I do have to hope that the people of Florida will not be forgotten, as we seek to make all of the necessary decisions for the relief and recovery not only short term

and medium term, but where Florida is now in the long term, when the needs of long-term housing, the needs of long-term health care problems, the needs of reconstruction of public facilities, such as schools, become all the more necessary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

FEDERAL COMMUNICATIONS COMMISSION'S REORGANIZATION

Mr. STEVENS. Mr. President, earlier today, the Federal Communications Commission Chairman, Kevin Martin, created a new FCC bureau dedicated to public safety and homeland security functions. The new FCC bureau will be named the Public Safety and Homeland Security Bureau and will handle issues that are currently spread over several separate FCC bureaus and offices. For instance, it will handle enhanced 911 calls. It will handle priority emergency services, an emergency alert system, disaster management coordination, and communications infrastructure protection.

My generation relied on radio. Now all of us have different forms of communications. But there was no uniform communication mechanism such as radio was back in the 1930s or 1940s. Chairman Martin's reorganization recognizes the change in the technologies that can be used for emergency communications.

I commend the FCC, under Chairman Martin, for its leadership in directing the Universal Service Program to play a significant role in rebuilding the communications infrastructure, something that they have announced today also. Since its inception, the focus of the Universal Service Program has been on ensuring that all Americans are connected and able to communicate. As the citizens of Louisiana and Mississippi rebuild and return to their homes, they need to know that they can pick up their phones and make a call, which is why we have universal service. The steps that the FCC announced today, giving priority to rebuilding activities using universal service funds will help both in the short and long term.

The FCC is using these universal service funds temporarily to support wireless handsets, coupled with a package of free minutes for evacuees and people still in the affected area that are without telephone service. The FCC is also helping health care providers and the Red Cross shelters by modifying the health care program to double discounts for public and nonprofit health care providers. The FCC is allowing health care providers to submit new or revised universal support applications—requests for the money—for 2005, since their needs have obviously changed.

On the rebuilding front, universal service will help schools reconnect to the Internet, consumers reconnect to

their phones, and telephone companies to rebuild. Specifically, the FCC is designating schools and libraries struck by the hurricane to receive the highest level of priority under the E-Rate Program for 2005 and 2006. They are allowing schools and libraries serving evacuees to amend their 2005 application to account for the unexpected increase in population. They are using the Link-Up Program to provide support to pay the cost of reconnecting consumers to the network as the disaster-struck area is rebuilt. And they are providing BellSouth flexibility to use high-cost model support to rebuild wire centers affected by the hurricane.

In other words, this is a unique use of universal service funds. It took courage to do so. I am proud to hear of the FCC's willingness to work around the clock to assist companies in the affected areas with needed waivers. I also commend the FCC for its plans to establish the new Public Safety and Homeland Security Bureau. We have all seen the devastation and communications outages caused by the massive flooding and the storm surge.

Certainly, we will have to look at improving our Nation's alert and disaster warning systems as well as our communications interoperability. As chair of the Commerce Committee in the Senate, along with my cochair and good friend, Senator DAN INOUE of Hawaii, I intend to work closely with my colleagues in the Senate and the House, the FCC, and others on these issues. We will pursue permanent solutions. Chairman Martin and the FCC members deserve credit for having acted so rapidly to deal with the disaster-related issues before us today.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006 CONTINUED

Ms. MIKULSKI. Mr. President, pretty soon we will be coming to the last round of amendments to the Commerce-Justice-Science appropriations bill. When he is on the floor, I will thank, publicly and personally, the distinguished Senator from Alabama, Mr. SHELBY. We certainly worked on a bipartisan basis to move this bill, to accomplish national objectives, and to respond to the compelling human and financial needs of our neighbors in the Gulf States. Moving this legislation has been enjoyable because there has been such a spirit of bipartisan co-

operation. Senators have worked on their amendments. They have offered them jointly. In a few minutes, we will be voting on an amendment by Senator SNOWE of Maine and JOHN KERRY of Massachusetts to help small business, particularly, in relation to Katrina. That has been the example throughout.

As the ranking member on this new subcommittee, I hope the spirit of the Senate, in moving forward on this bill, will be the spirit of the Senate all the time. We need more of that. We need more civility. We need more collegiality and more of that spirit of "let's get it done" and "let's get it done together."

There were many issues that were new to me, at least the depth of the national problem. We are all familiar with Katrina. One of the things that came up was the whole methamphetamine issue, which seems to have the country in its grips, to listen to the Senators from North Dakota talk about what it means in a rural State, to listen to other Senators who have come in either with individual projects or with national issues. Again, in a spirit of bipartisanship, Senators DAYTON and CHAMBLISS came in with a request to restore over \$200 million to fight this scourge that seems to be gripping people at all economic levels. The methamphetamine issue has reached epidemic levels. That bipartisan support added money to the budget and added resources for local communities.

Another champion, of course, was the Senator from Washington, Ms. CANTWELL. She offered an amendment for \$20 million on the Hot Spot Program. Where are the real hotspots of meth? We worked with her to adopt that amendment. We thank her and particularly the Senator from Minnesota, Senator DAYTON, the Senator from Georgia, Mr. CHAMBLISS, for being strong advocates. Every other Senator came to me and said: We are glad this is in the bill.

Senator CANTWELL, focusing on the hotspots, sends vital Federal support to law enforcement officers and first responders who are on the frontlines of the meth epidemic. Actually, those crime fighters have a great friend in Senator CANTWELL.

We thank everyone who has helped move this legislation. We are looking forward to moving to final passage. We have two more amendments, and then we will move to final passage. Again, the spirit of the Senate has been wonderful. We are meeting real needs—whether it is Katrina, fighting the methamphetamine epidemic, providing weather services, and so on.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate proceed to a vote on or in relation to Snowe-Kerry amendment No. 1717, with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. For the information of my colleagues, we are now down to one or two outstanding issues. That is good news in the Senate on a Thursday afternoon. During the next vote, we will try to finalize those amendments. Senator MIKULSKI and I, the managers of the bill, have been working with everybody in the Senate to try to move the bill forward. It is our expectation that we will quickly proceed to passage of the bill. I, therefore, alert all Senators now that they should remain close to the Chamber, following this upcoming vote, hopefully for final passage.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first of all, once again, we are coming now to the final aspects of this bill. We have been able to achieve this because of the wonderful bipartisan support that existed between Senator SHELBY, myself, and our staffs. We want to thank them for doing that. I will thank them as we go into wrapup.

Our colleagues, we thank them again for their cooperation in moving the amendments, working on a bipartisan basis. And now as we go to the Snowe-Kerry amendment and the vote, we ask Senators who have those outstanding amendments to consult with the floor and leadership staff, and ourselves as well, because we think we could have a vote—not promptly but expeditiously—after the conclusion of the Snowe-Kerry amendment.

Again, I say to my colleagues to come, vote, stick around, let's work together, and we can finish our bill. People need this bill. It funds the FBI. It funds Katrina help. It funds the methamphetamine help about which we have been talking, and our very important Weather Service. There are so many provisions in it.

I yield the floor and look forward to the vote.

AMENDMENT NO. 1717

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Ms. SNOWE, for herself, Mr. KERRY, Mr. VITTER, Ms. LANDRIEU, and Mr. TALENT, proposes an amendment numbered 1717.

(The amendment is printed in the RECORD of Thursday, September 14, 2005, under "Text of Amendments.")

Mr. SHELBY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1717.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. THUNE), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Dakota (Mr. THUNE) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—96

Akaka	Dodd	Lugar
Alexander	Dole	Martinez
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Frist	Obama
Boxer	Graham	Pryor
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Burr	Harkin	Rockefeller
Byrd	Hatch	Salazar
Cantwell	Hutchison	Santorum
Carper	Inhofe	Sarbanes
Chafee	Inouye	Schumer
Chambliss	Isakson	Sessions
Clinton	Jeffords	Shelby
Coburn	Johnson	Smith
Cochran	Kennedy	Snowe
Coleman	Kerry	Specter
Collins	Kohl	Stabenow
Conrad	Kyl	Stevens
Cornyn	Landrieu	Sununu
Craig	Lautenberg	Talent
Crapo	Leahy	Thomas
Dayton	Levin	Voinovich
DeMint	Lieberman	Warner
DeWine	Lincoln	Wyden

NOT VOTING—4

Corzine
Lott

Thune
Vitter

The amendment (No. 1717) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1695

Mr. KERRY. Mr. President, the pending business, I believe, is my original amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. Mr. President, let me say quickly I thank my colleagues, and I thank Senators SNOWE and LANDRIEU and VITTER for their work on this amendment. I think the Senate has made a very important statement today about what can be done and what we need to do to respond immediately to the small business needs with respect to Katrina and people impacted across the country.

This amendment details virtually everything in the Kerry-Landrieu amend-

ment, from disaster loan deferments to financial assistance for small businesses and farmers struggling to afford the high prices of gasoline, natural gas, and heating oil. It expands on assistance to small businesses that have SBA 504 loans for buildings or equipment, or for those who will need them. It includes agreed upon language to make sure the money is appropriated to carry out the assistance. And it retains a critical grant program to the states to get money into the hands of small businesses that need immediate access to capital to stay afloat until they get other more comprehensive loans or insurance reimbursements.

For all the good this amendment will do, I am disappointed that two very important provisions were not included. I am against taking out the funding for the Federal government's largest small business loan program, the 7(a) Loan Guarantee Program, that would reduce fees on borrowers and lenders. Even before the destruction of Hurricane Katrina and its impact on our economy, small businesses were struggling with higher insurance premiums, higher energy prices, and higher prices for capital because of rising interest rates. We should not be adding to their expenses by raising loan fees. As I said yesterday, according to a document from the Small Business Administration, since the Administration raised fees in that program, loans to Hispanics have declined by 14 percent. With Katrina causing problems well beyond the state lines of Louisiana, Mississippi, Alabama, Florida, and Texas, those small businesses need relief too. We asked our colleagues, at the very least, to include language that would reduce fees if the SBA overcharges borrowers or lenders, or if there are excess appropriations. They would not agree. They also eliminated the provision that directed the SBA to assume payments for SBA 7(a) and 504 loans that victims had before the Hurricane but cannot now pay. To help these business owners make ends meet, and to avoid defaults or worse, it is my hope that these small businesses will make use of the provision we put in the amendment that allows them to refinance existing business debt with low-cost SBA disaster loans.

Hopefully, because this bill may well be tied up for a period of time, it may be possible to break this amendment out and add to it a couple of components that were not in it today.

We hope to do that. We obviously will work with both sides to do it in the same bipartisan fashion.

This morning Senator LANDRIEU met with some of the top members of the business community of New Orleans. They are very afraid for those small businesses that have to lease, contract, move, and they are afraid of losing for a long period of time, if not forever, the small business base of their community. What the Senate has done today is to address that need in a very realistic and helpful way. I thank my colleagues for doing so.

With that stated, my original amendment, which we now combined into this one, is no longer necessary. I ask unanimous consent it be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I yield the floor, but first let me thank Senator MIKULSKI and Senator SHELBY also for their long forbearance in this effort. I appreciate it.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1678

Mr. LIEBERMAN. Mr. President, I call up my amendment if it has not already been placed in order. It is amendment No 1678.

The PRESIDING OFFICER. Amendment No. 1678 is the regular order.

Mr. LIEBERMAN. This amendment is an attempt to apply an offer of financial relief to victims of Hurricane Katrina in very personal ways to answer the questions that hundreds of thousands of people in the gulf coast region are now asking themselves, by extending current programs or creating a couple of new ones.

Let me be more specific. This amendment would say to folks who suffered this hardship that they can meet their immediate needs for housing and other assistance because we are going to waive the caps and State cost-sharing requirements under the Stafford Program. It would allow survivors of Katrina to cover rent or mortgage payments, if they are suffering financial hardship; that is, by reinstatement of the mortgage or rental program.

It would extend the time that these people can apply for unemployment insurance to 90 days. It would impose a moratorium on obligations for paying student loans and other payments on Federal loans in the immediate aftermath of a hurricane. It would authorize people to take money out of their retirement plans to keep themselves going without having to pay a penalty. And it would extend and expand eligibility for food stamps and WIC programs.

Finally, for victims of Hurricane Katrina and survivors living in the area of hardship, it would extend the bankruptcy protections under current law that would otherwise soon go out of effect with the adoption of the recent Bankruptcy Act.

This is the stuff of enabling people to put their lives back together. It is very human, it is very personal, it is real, and it is very urgently needed.

I urge my colleagues to adopt the amendment.

The PRESIDING OFFICER. Is there further debate?

AMENDMENT NO. 1706, WITHDRAWN

Ms. MIKULSKI. Mr. President, before we move to the vote on the amendment of the Senator from Connecticut, I ask unanimous consent to withdraw Bingaman amendment No. 1706.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Ms. MIKULSKI. I thank the Chair.
I ask for regular order.

AMENDMENT NO. 1678

Mr. ENSIGN. Mr. President, what is the regular order?

The PRESIDING OFFICER. The pending question is on Lieberman amendment No. 1678.

Mr. ENSIGN. Mr. President, I make a point of order that the Lieberman amendment violates rule XVI.

Mr. LIEBERMAN. Mr. President, pursuant to the notice properly filed, I move to suspend the rule with respect to this amendment, No. 1678, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ENSIGN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1716, 1724, AS MODIFIED, AND 1725

Mr. SHELBY. Mr. President, we have three additional amendments that have been cleared on both sides of the aisle. I send those amendments to the desk, and I ask unanimous consent that the amendments be considered and agreed to, and the motion to reconsider be laid upon the table. This has been cleared with the distinguished Senator from Maryland.

Ms. MIKULSKI. Mr. President, we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1716

(Purpose: To extend the provisions an expiring provision of the Universal Service Antideficiency Temporary Suspension Act)

At the appropriate place, insert the following:

SEC. —. EXTENSION OF UNIVERSAL SERVICE FUND EXEMPTION FROM THE ANTIDEFICIENCY ACT.

Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking "December 31, 2005," each place it appears and inserting "December 31, 2006,".

AMENDMENT NO. 1724, AS MODIFIED

(Purpose: To reduce fees on loans to small businesses)

At the end of title V, add the following:

SEC. 5 —. SMALL BUSINESS FEES.

(a) FEES.—Section 7(a)(23) of the Small Business Act (15 U.S.C. 636(a)(23)) is amended by striking subparagraph (C) and inserting the following:

“(C) LOWERING OF FEES.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii)—

“(I) the Administrator may reduce fees paid by small business borrowers and lenders under clauses (i) through (iv) of paragraph (18)(A) and subparagraph (A) of this paragraph; and

“(II) fees paid by small business borrowers and lenders shall not be increased above the levels in effect on the date of enactment of the Consolidated Appropriations Act, 2005.

“(ii) DETERMINATIONS.—A reduction in fees under clause (i) shall occur in any case in which the fees paid by all small business borrowers and by lenders for guarantees under this subsection, or the sum of such fees plus any amount appropriated to carry out this subsection, as applicable, is more than the amount necessary to equal the cost to the Administration of making such guarantees.”.

AMENDMENT NO. 1725

(Purpose: To provide additional funding for the Federal Bureau of Investigation for processing of background checks for petitions and applications pending before U.S. Citizenship and Immigration Services)

On page 121, line 19, after the semicolon insert “of which not less than \$1,200,000 shall be for the Federal Bureau of Investigation for processing of background checks for petitions and applications pending before U.S. Citizenship and Immigration Services;”.

AMENDMENT NO. 1716

Ms. SNOWE. Mr. President, I rise today along with Senator INOUE, co-chairman of the Committee on Commerce, Science & Transportation, to discuss amendment to safeguard the Universal Service Fund, or USF, the institution that allows rural and low-income Americans to obtain affordable telephone service, allows America's schools and libraries to provide Internet access to all segments of society through the E-Rate program, and permits rural health care providers to obtain telecommunications and Internet services at reduced rates. The concept of Universal Service has been with us nearly as long as the telephone itself, and this amendment today marks one key step in ensuring that this vital policy remains intact in the 21st Century.

Before I go into the merits of the amendment, I want to assure my colleagues that this amendment touches upon an issue that has been in discussion for a long time. In fact, it is almost identical to legislation, S. 241, which I introduced early in the 109th Congress along with, Senator ROCKEFELLER and the chairman and co-chairman of the Commerce, Science and Transportation Committee, Senators STEVENS and INOUE. A total of 41 cosponsors are on the bill today. Countless telecommunications companies and educational organizations have also endorsed the bill. Moreover, the Senate Commerce Committee held a hearing this past spring to discuss the need for such legislation.

I stand before you today offering this amendment because our time is running out. As I will explain more in a moment, the exemption of the Universal Service Fund from the Anti-Deficiency Act is about to expire. If it is not extended soon, the programs supported by the Universal Service Fund will be in jeopardy.

The amendment today pertains specifically to the Universal Service Administration Company, or USAC, the private, nonprofit corporation that Congress created to administer the

USF. Both this amendment and S. 241 are very similar to S. 2994, a bill that I introduced during the 108th Congress and that was passed right before adjournment as part of a larger telecommunications package, H.R. 5419. That bill temporarily exempted USAC from complying with new, arbitrarily imposed accounting rules that had severely disrupted the E-Rate program and threatened to cause huge spikes in consumers' telephone bills. Many will recall that hundreds of millions of dollars in E-Rate funding for schools and libraries stayed unissued for months because of the accounting rule change, and immediate action was necessary to resolve the problem.

According to USAC's Federal regulators, these new accounting rules needed to be imposed to ensure that the USF was compliant with the Federal Anti-Deficiency Act, a law which prevents Government agencies from incurring financial obligations beyond the amount that has been appropriated to them by Congress. However, USAC, in administering the USF, does not receive any appropriated funds from Congress. Rather, the USF is funded by a regular disbursement, on a more or less monthly basis, of moneys derived from a surcharge placed on the revenue generated from interstate telephone calls. The existence of this predictable revenue stream negates any of the risks and concerns that the Anti-Deficiency Act was designed to prevent.

After government accounting rules were imposed on USAC last year, the entire E-Rate program was frozen. On the eve of the start of the school year, this program—which has enabled 93 percent of schools and libraries in the country to hook up to the Internet—was unable to review and act upon the funding recommendations of thousands of applicants. Many recipients of E-Rate funding actually shut off their Internet connections because they had no money available to maintain service. In order to alleviate this problem, Congress decided last fall to exempt the USF from the Anti-Deficiency Act for 1 year until a permanent solution to this problem was found. Senator ROCKEFELLER and I decided to pursue a 1-year exemption in order to ensure speedy passage of the legislation before adjournment, so that schools and libraries could receive their funding again. Today's legislation provides a second extension of the exemption until a permanent solution is found.

Clear precedent exists for such an exemption. Numerous other Federal programs already are exempt from complying with the Anti-Deficiency Act, including the National Park Service and the Conservation Trust. Moreover, an exemption is the rational solution to ensure that this problem does not continue to recur. As I previously mentioned, an exemption is particularly appropriate in this instance because the USF has a funding mechanism different from most Federal programs. The USF functioned very well for many

years utilizing the Generally Accepted Accounting Principles used by the entire American business world. Trying to engraft special government rules onto USF is akin to forcing a square peg into a round hole. And the result would be another stoppage in E-Rate—and likely the USF Rural High Cost Fund as well—and also a spike in the USF surcharge on consumers' telephone bills.

Last year we undertook a bipartisan effort among members on the committees of jurisdiction in both Houses of Congress to enact a temporary exemption for the USF from unnecessary, burdensome regulations. In undertaking that effort we worked closely with the Federal Communications Commission, and enjoyed widespread support among the telecom industry, educators, and State and local governments. The temporary extension that we worked so hard to pass has almost expired. We must extend the exemption 1 more year so that the Universal Service Fund can continue to support rural consumers, schools, libraries, hospitals and low-income households.

Mr. SHELBY. Mr. President, I further ask unanimous consent that following the disposition of the Lieberman amendment, the bill be read a third time, and the Senate proceed to a vote on passage of the bill with no intervening action or debate; provided further that the amendment to the title then be agreed to, the Senate then insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

I further ask unanimous consent that following the first vote there be 2 minutes equally divided between the votes.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. Mr. President, reserving the right to object, only to say that as we move to the closing of this bill, I want to thank Senator SHELBY and his staff for all the many courtesies. It has been an outstanding way to move this bill.

I do not object to the Senator's request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to suspend the rules for the consideration of amendment No 1678. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. THUNE), the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Dakota (Mr. THUNE) would have voted "nay."

Mr. DURBIN, I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 52, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—43

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Jeffords	Reed
Boxer	Johnson	Reid
Byrd	Kennedy	Rockefeller
Cantwell	Kerry	Salazar
Carper	Kohl	Sarbanes
Clinton	Lautenberg	Schumer
Conrad	Leahy	Specter
Dayton	Levin	Stabenow
Dodd	Lieberman	Wyden
Dorgan	Lincoln	
Durbin	Mikulski	

NAYS—52

Alexander	DeMint	McCain
Allard	DeWine	McConnell
Allen	Dole	Murkowski
Bennett	Domenici	Nelson (NE)
Bond	Ensign	Roberts
Brownback	Enzi	Santorum
Bunning	Frist	Sessions
Burns	Graham	Shelby
Burr	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Collins	Isakson	Voinovich
Cornyn	Kyl	Warner
Craig	Lugar	
Crapo	Martinez	

NOT VOTING—5

Corzine	Lott	Vitter
Landrieu	Thune	

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 52. Two-thirds of the Senators voting, not having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given in writing is rejected. The point of order is sustained and the amendment falls.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CSTARS

Mr. NELSON of Florida. Mr. President, I rise today to discuss an important project being undertaken by the University of Miami: The Center for Southeastern Tropical Advanced Remote Sensing, or CSTARS. This state-of-the-art system will perform real-time analysis from multiple satellites of the ocean, atmosphere, environment and weather around the Gulf of Mexico, Caribbean and the Southeastern U.S.

Every year, Florida and the entire Southeast must prepare itself for hurricane season. People around the Nation and the world have seen the devastation wrought by Hurricane Katrina in Louisiana, Alabama and Mississippi. The images we are seeing daily on television are horrific and greatly disturbing, and we all are hurting for the victims of this tragedy. Last year, four hurricanes hit Florida within 5 weeks, causing billions in damage, which we are still digging out of. Many scientists

predict that we are seeing the beginning of 20 to 30 years of storms of this magnitude.

The information available through CSTARS will greatly enhance our ability to monitor storms and the conditions in which they develop by observing ocean temperatures, wind speed and air pressure. After storms, CSTARS can provide rapid assessments of urban and coastal infrastructure and coastline damage. Programs like CSTARS are vital for states that regularly have to prepare for these storms and recover from the damage left in their wake.

Additionally, CSTARS can assist our comprehension of inland water levels, pollution, vegetation growth, coastal erosion, ocean currents, volcanic activity and much more. It is a deserving program, and I hope that this Senate is able to find the funds necessary to support it.

Ms. MIKULSKI. I say to my colleague from Florida that I understand the importance, to the Gulf states and the Nation, of providing funding for research and analysis of weather systems. The Senator from Florida has been a leader on this issue. While in these tight budget times, we are unable to fund every worthy program, I will continue to work with him to ensure that our Nation has the very best research available to understand hurricanes and other environmental concerns.

Mr. NELSON of Florida. I thank the Senator from Maryland for her knowledge of this issue and her readiness to work with me on it.

VIRGINIA KEY MARINE LIFE SCIENCE BUILDING

Mr. NELSON of Florida. Mr. President, I rise today to discuss an important project by both NOAA and the University of Miami.

Virginia Key, FL is the home of two important NOAA programs dealing with the oceans and fisheries and the home to the University of Miami Rosentiel School of Marine and Atmospheric Science. Because of their proximity, overlap in focus, and the quality of the research at both NOAA and the Rosentiel School, the two have developed a close, mutually beneficial working relationship.

As the Rosentiel School has grown in prominence it has also grown in size to over 500 professors, graduate students, researchers and staff, and can no longer fit in its current facilities. The school had considered relocating, but moving away from Virginia Key would weaken the relationship between it and NOAA. That is why last year Congress found it appropriate to pass a bill authorizing NOAA to grant land to the University of Miami to construct a new Marine Life Science Center in Virginia Key.

This new center would be home to both the Rosentiel School and NOAA staff, allowing their collaboration to continue and to grow. The research performed on marine habitats, fishery

economics, ocean chemistry and tropical meteorology will be brought together in a modern facility where it can be presented and shared.

Currently, planning is underway to develop this center, and I believe we should assist NOAA and the University of Miami with the design and schematic plans of this joint facility. Once design plans are in place, the University of Miami plans to finance the building construction through non-Federal funds. Once completed, up to 50 percent of the space will be used by NOAA.

Ms. MIKULSKI. It is wonderful to see collaboration between the Federal Government and our Nation's top universities, and we should support those efforts whenever possible. In these tight budget times, it is difficult to fund every deserving project such as this one. I will work with the Senator from Florida so that we can find ways to further partnerships like these.

Mr. NELSON of Florida. I thank the Senator from Maryland for her assistance and I look forward to working with her.

PROJECT SAFE NEIGHBORHOODS

Mr. CORNYN. Mr. President, I rise today to voice my strong support for the remarkable crime-prevention results from the President's Project Safe Neighborhoods initiative. We must ensure that adequate appropriations continue to fully support this productive crime-fighting effort.

I am concerned that the appropriations bill we are considering today makes no provision for the State and local grant program of Project Safe Neighborhoods, an important component of the President's initiative, and I am not alone. A number of our colleagues share my concern that this important program for fighting crime in our streets and in our neighborhoods should be funded adequately.

I am pleased that my friend from Alabama, Senator SESSIONS, joins me today. Does the Senator share this concern?

Mr. SESSIONS. Yes I do, and I appreciate the comments of the Senator from Texas. In Alabama, we have enjoyed great successes from the implementation of Project Safe Neighborhoods and its State and local grant program for which full funding is important. What would represent sufficient funding for this important program?

Mr. CORNYN. The President requested in his budget \$73,800,000 for State and local grants. And according to the Department of Justice, in order for Project Safe Neighborhoods to continue as a flagship gun crime reduction initiative, the \$73.8 million dedicated to the Project Safe Neighborhoods State and local grant program, is essential.

The State and local grants are critical to the success of the President's Project Safe Neighborhoods program. The grants support the removal from our streets and our neighborhoods of

these criminals who use guns to carry out their crimes.

The idea did not start in Washington. Indeed, the first program of its kind saw enormous success in Richmond, VA, where crime was significantly reduced as gun crime prosecutions increased substantially.

When I was Attorney General of Texas, I joined with then-Governor Bush to launch Texas Exile, modeled after Richmond's Project Exile. This Texas program also met with extraordinary success, providing local prosecutors the funds necessary to get more than 2,000 guns off the streets, and to issue more than 1,500 indictments for gun crimes. This resulted in almost 1,200 convictions during the first 3 years of the program's existence.

When President Bush came to Washington, he built upon our success in Texas by making Project Safe Neighborhoods one of his top priorities. He launched the Project Exile program nationally, providing desperately needed resources to combat gun-related crimes to jurisdictions throughout our country.

In the short time this initiative has been up and running, the results have been astonishing. Project Safe Neighborhoods' prosecution, prevention, and deterrence efforts have helped fuel historical lows in gun crime across America as well as a 30-year low in the violent crime victimization rate. Over the past 4 years, Federal gun crime prosecutions have increased by 76 percent and virtually all of these criminals spend time in prison. For example, 94 percent of those originally charged with a Federal gun crime received prison terms in fiscal year 2004.

The administration has devoted over \$1.3 billion to implement Project Safe Neighborhoods since its inception in 2001. These funds have been used to hire almost 200 new Federal prosecutors dedicated to gun crime and to provide grants to hire approximately 540 new State and local gun prosecutors. The additional Federal funding for these State and local gun prosecutors, as well as the associated community outreach efforts and other initiatives are critical to the success of the program and to the national reduction of violent crime.

As the Senator mentioned, the program as implemented in Alabama has enjoyed significant successes, isn't that right?

Mr. SESSIONS. That is absolutely right. In fact, in 2002, all of the U.S. Attorney's Offices in Alabama kicked off Alabama ICE, which stands for Isolate the Criminal Element. It is a partnership among Federal, State, and local law enforcement officials designed to help get guns out of the hands of convicted felons.

As an example, the number of indictments for the Middle District of Alabama is expected to reach 110 by the end of this fiscal year, up from 15 in 2001. The program allows law enforcement to charge convicted felons with

felonies through the Federal court system if found in possession of a gun, or in possession of a gun during violent or drug trafficking crimes. If charged at the State level, a convicted felon would likely be charged with a misdemeanor if found in possession of a gun.

And the results have been exceptional. As I said, Alabama ICE was first implemented in Alabama in April 2002. During the first 11 months of 2003, the number of violent crimes in Montgomery showed significant decreases. Criminal homicides decreased 45 percent, robberies 10 percent, aggravated assaults 16 percent, and domestic violence aggravated assaults 43 percent.

I know the Senator must have countless examples from his home State of Texas; isn't that right?

Mr. CORNYN. Examples from my home State of Texas clearly demonstrate that Project Safe Neighborhoods is working. Consider:

The Northern District of Texas has shown a 31 percent increase in the number of Federal gun cases opened in 2004 over 2003. The Project Safe Neighborhoods Task Force continues to work harmoniously and effectively in contributing to the reduction of gun-related crimes citywide and in the targeted neighborhoods.

PSN prosecutions in the Northern District of Texas have targeted some of the worst gun offenders, and have resulted in safer neighborhoods within the district. For example, in August 2002, the Dallas Division coordinated a long-term gang investigation under the PSN Program with the ATF and the Dallas Police Department. The investigation resulted in two separate indictments charging 18 gang members with being involved in a drug trafficking conspiracy, crack cocaine, along with other street gang members.

And the efforts of the Western District of Texas to energize Project Safe Neighborhoods through effective partnering with State and local law enforcement are demonstrated most clearly by their impressive prosecution statistics. They have seen a 74 percent increase in prosecutions from fiscal year 2000 to fiscal year 2004, and a 13 percent increase in the past fiscal year.

That is why I am so concerned that there was no funding included in this appropriations bill. While I appreciate any effort this body might take to embrace fiscal discipline, I question the efficacy of choosing to eliminate a program that is saving thousands of lives nationwide as opposed to many other less critical projects and programs.

I am pleased the senior Senator from Alabama, who has been working so hard on this Commerce-Justice-Science appropriations bill is here with us. I ask Senator SHELBY, is this something that he believes we can work to resolve in conference given the difficulty in making changes at this time?

Mr. SHELBY. I would like to thank the Senator from Texas and my colleague from Alabama for their willingness to work with me to resolve their

concerns. This program, as with many programs for which we struggle to find adequate funding, is important. This program received no appropriation in the fiscal year 2005 conference report. I understand related funding has been appropriated in the House CJS bill and I will work to address the concerns of my colleagues as the appropriations process moves forward.

Mr. SESSIONS. I would like to thank my friend from Alabama and I offer any assistance that I or my staff can give as you work on this important issue for us.

Mr. CORNYN. I would like to thank my colleagues. The Project Safe Neighborhoods program serves as a model of coordinated Government efforts, with Federal, State and local governments sharing the burden of prosecuting criminals and coordinating their resources to do so. At a time when some Federal agencies are struggling to coordinate efficiently with State and local governments, the Project Safe Neighborhoods program serves as a model of efficiency and effectiveness.

I appreciate that Senator SHELBY points out that the State and local grant program received no appropriation in fiscal year 2005, an unfortunate reality that gives me even greater concern about the future of the Project Safe Neighborhoods program. It is now even more critical that in conference we find the funds necessary to continue this program that so clearly has reduced rates of violent crime and victimization across our country.

NATIONAL WATERBORNE DISEASE RECOGNITION AND DISASTER PREPAREDNESS PROGRAM

Mr. SCHUMER. Mr. President, I rise today to engage my friend, the Senator from Maryland who serves as the ranking member of the newly formed appropriations subcommittee on Commerce, Justice, and Science, in a colloquy regarding a program of national importance, and its inclusion in the fiscal year 2006 CJS appropriations bill. I thank my friend for her service in this body and for her tireless and passionate work on this bill. I particularly want to thank her for showing support for several projects of significant importance to New York State. The aftermath of Hurricane Katrina has left much of the gulf region under toxic floodwaters. I would like to secure funding for a National Waterborne Disease Recognition and Disaster Preparedness Program based at the Arnot Ogden Medical Center in Elmira, NY. This waterborne disease recognition program has been funded by the EPA for the past 3 years but was not included in the President's fiscal year 2006 budget. Funding for this important program through NOAA will be essential for ongoing disaster relief efforts in the gulf region, as well as preparedness efforts for future natural disasters or water terrorism events.

It is obvious that there will be long-term medical and public health challenges ahead for the gulf region resulting from the massive water contamina-

tion event associated with Katrina. The medical risks for the gulf residents and first responders will include gastrointestinal syndromes resulting from waterborne exposure to biological agents such as Hepatitis A, E. coli from fecal contamination, and waterborne parasites. Exposure to a diverse array of toxic chemical contaminants from industrial sites, oil and gas installations, and household chemicals may lead to long-term health effects yet to be determined. This National Waterborne Disease Recognition and Disaster Preparedness Program is a one-of-a-kind program that has a proven track record of delivering high-quality, cost-effective educational interventions to communities throughout the United States, addressing waterborne disease recognition, natural disaster preparedness, and water terrorism readiness.

Ms. MIKULSKI. We have all become aware of the dangers of exposure to contaminated water and the health risks to residents, first responders and volunteers. Many challenges lay ahead, as flooded gulf communities continue to pump out this contaminated water as we speak.

Mr. SCHUMER. The National Waterborne Disease Recognition and Disaster Preparedness Program based at the Arnot Ogden Medical Center is uniquely situated to address these challenges. This program will assist Federal disaster response efforts by providing technical assistance to the Department of Homeland Security, the EPA, CDC, and Department of Defense regarding water quality management, waterborne diseases, and the health effects of water contamination. It also provides educational training and support for local and regional healthcare providers to enhance accurate diagnosis and management of people with exposure to waterborne agents. I am hopeful that as the CJS appropriations bill moves forward that we may work together to see if this important issue can be addressed in conference.

Ms. MIKULSKI. I thank the Senator from New York for bringing this program to my attention and I will work with him to find ways to further this important program.

NOAA'S NATIONAL WEATHER SERVICE

Mr. NELSON of Florida. The people of Florida and the nation owe NOAA's National Weather Service a debt of gratitude for their work last year predicting the four hurricanes that hit Florida and the southeast and this year for their work predicting Hurricanes Dennis and Katrina. The National Weather Service website had more than 9 billion hits during the four storms last year. That site provided vital information to the people of Florida as they prepared their homes and evacuated their families from the path of the hurricanes. For these reasons, I want to thank the distinguished chairman and ranking member of the Commerce-Justice-Science appropriations bill, Senators SHELBY and MIKULSKI, for working with me to ensure that the

National Weather Service's ability to continue to provide the American people with weather forecasts and warnings through the internet and other sources will not be undermined or limited. I agree with the chairman of the Senate Subcommittee on Disaster Preparedness and Prediction, Senator DEMINT, that the National Weather Service deserves an "A" for its predictions about Hurricane Katrina.

Mr. SHELBY. I agree with the Senator from Florida. NOAA's National Weather Service has the unique expertise and responsibility to provide the nation with general weather and flood warnings and forecasts to protect life and property. The National Weather Service shall have the continued flexibility to disseminate these warnings and forecasts in all formats necessary to ensure timely delivery to the taxpayers. Furthermore, I want to commend the National Oceanic and Atmospheric Administration for their exceptionally accurate Katrina forecasts.

Ms. MIKULSKI. Let me be clear, I am absolutely opposed to efforts to privatize the weather service. The National Weather Service must continue to provide forecasts and warnings through its website and other sources without limitation. The National Weather Service provides critical information to our citizens and saves lives and livelihoods and it must continue to do so.

NATIONAL SCIENCE FOUNDATION

Mr. ENSIGN. Mr. President, as a fiscal conservative there are very few areas in which I believe Federal funding should be increased. One of those few areas, however, is that of the National Science Foundation.

Funding of the National Science Foundation should be a national priority.

Congress established the National Science Foundation in 1950 with the broad mission "to promote the progress of science; to advance the national health, prosperity, and welfare; and to secure the national defense." In this capacity, NSF plays a critical role in underwriting basic research at colleges, universities, and other institutions throughout our Nation.

Basic research supported by NSF in chemistry, physics, nanotechnology, genomics, and semiconductor manufacturing has brought about some of the most significant innovations of the last 20 years.

For example, the World Wide Web, magnetic resonance imaging and fiber optics technology all emerged through basic research projects that received NSF funding.

Research supported by NSF accounts for approximately 40 percent of non-life-science basic research at U.S. academic institutions while representing less than 4 percent of the Federal funding for R&D. Support for NSF's efforts to fund basic research is particularly important due to the impact of such research on innovation and global competitiveness.

To remain globally competitive in the 21st century, the United States must continue to lead the world's innovation. Innovation fosters the new ideas, technologies, and processes that lead to better jobs, higher wages and a higher standard of living. While innovation is the key to the future, basic research is the key to future innovation. And today, the future of basic research appears vulnerable.

Over the last 30 years, Federal funding in support of basic research has remained flat in constant dollars and decreased by 37 percent as a share of GDP. Especially given increased competition from nations like China and India, failure to support the NSF and basic research creates a serious long-term risk for our nation. U.S. competitiveness in global markets and the creation of good jobs at home rely increasingly on the cutting edge innovation that stems from high-risk basic research. U.S. technological leadership, innovation, and jobs of tomorrow require a commitment to basic research funding today.

Congress approved and President Bush signed the National Science Foundation Authorization Act of 2002. That Act authorized funding for NSF at appropriate levels, but funding for NSF has consistently lagged behind the amounts authorized. In fiscal year 2005, NSF received funding that was approximately \$2 billion less than authorized. In fiscal year 2006, we are considering funding NSF at levels approximately \$3 billion less than authorized.

As we consider funding priorities on the CJS bill and in the future, I urge the chairman, ranking member, and my fellow colleagues to make it a priority to fund NSF and to support increased basic research.

Mr. SHELBY. Mr. President, I thank my colleague from Nevada and recognize the importance of the basic research done through NSF. I share his interest in basic research funding and look forward to working with him to strengthen our Nation's capabilities through basic research.

Mr. ENSIGN. I thank the chair and the ranking member for their leadership on this legislation, and look forward to working with both of them on promoting the basic research done at NSF in our country.

STEM EDUCATION FUNDING

Mr. SALAZAR. Mr. President, I am deeply concerned about the status of science education funding in the Commerce, Justice, and Science appropriations bill. I commend Chairman SHELBY and Ranking Member MIKULSKI of the Commerce, Justice, and Science Appropriations Subcommittee for their hard work on this bill. With full recognition of the challenging task they have faced in ensuring adequate funding for so many needed projects, I am compelled to take a moment to address a growing crisis in America.

The educational programs for the STEM disciplines—science, technology, engineering, and mathematics—are es-

sential for America's future competitiveness and are severely underfunded. As a result, America's STEM education is falling behind. United States international test scores in science and mathematics remain unacceptably low. At the same time, countries in Europe and Asia are investing crucial resources into their own research and education infrastructure to ensure future world market success. These factors combine to make American businesses look to move overseas for high-tech workers, outsourcing our jobs and our competitiveness.

This problem is multi-faceted. We have to provide today's teachers with the skills and materials they need to teach these disciplines well. We have to attract new teachers to the field—the teachers of tomorrow. We have to research ways to teach science and math to find out how this material is best learned and how interest in these fields is best promoted. It is in the best interest of our Nation to address each of these issues and it will require a greater investment on the part of our Federal Government.

Unfortunately, in too many ways, we seem to be pointed in exactly the wrong direction. I find it especially troubling that the National Science Foundation's Education and Human Resources Directorate has seen significant setbacks in the fiscal year 2006 proposed budget.

The Math and Science Partnership Program, which awards competitive grants to build a bridge between higher education and K-12 math, science, and engineering educators has achieved excellent results and has endeavored to improve learning in mathematics and science for all K-12 students. For fiscal year 2006, we are seeing this highly successful program slowly phased out of NSF. I would like to thank the chairman and ranking member of the committee for providing an additional \$4 million above the request by the President, but also note that in the past 2 years more than half of the funding for this program has been cut, from \$139 million 2004 to the \$64 million proposed in this bill for fiscal year 2006.

Furthermore, the Research, Evaluation, and Communication, REC, division, which works to increase the number of students obtaining college degrees in STEM and to support educational research projects on college degree attainment in STEM, has also been cut. Results from REC research areas such as physics education have led to teaching methods that more than double the information learned and retained by our college students when compared with traditional methods. But REC has been cut from \$60 million in 2005 to a mere \$33.8 million in this proposal.

These are just a few examples, but it is not the entire story. Taken as a whole these cuts are extremely troubling because they will have long-lasting impacts.

I ask that both the chairman and the ranking member of the Commerce, Jus-

tice and Science Appropriations Committee work to protect and increase STEM education funding in conference.

This is not a partisan issue. It is the future of our country and the success of our children that concerns me, and, I trust, concerns my colleagues as well.

Ms. MIKULSKI. Mr. President, I share the views of my colleague from Colorado. Money is tight, but our future competitiveness as a nation hangs on our ability to educate our future scientists and engineers.

It is important to make sure that we encourage our children to take interest in science, technology, engineering and math. It is important to make sure we provide our teachers with the appropriate tools and training so our children will keep that interest. And it is important to research how our students learn science, and to research the best ways to teach them these disciplines.

I would like to see science education funding returned to at least last year's levels and will work toward that goal in conference.

I respectfully join the Senator from Colorado and also ask the Chairman of the Commerce, Justice, and Science Appropriations Subcommittee to help me reach that goal.

Mr. SHELBY. Mr. President, I thank my colleagues from Colorado and Maryland and recognize the importance of their interest in funding science education. I share their interest in supporting education funding at NSF and will work to find opportunities for science education funding during conference.

Mr. SALAZAR. Mr. President, I thank the chair and the ranking member for their leadership on this legislation, and look forward to working with both of them on promoting and improving science education in our country.

AERONAUTICS FUNDING

Mr. ALLEN. Mr. President, I would like to engage my colleague, Chairman SHELBY in a colloquy on the state of our government's funding for aeronautics research and development and the importance of the discipline to our Nation's national security and economic competitiveness.

Mr. SHELBY. Mr. President, I would be happy to do so.

Mr. ALLEN. As my colleague from Alabama may know, aeronautics research at NASA has played an integral role in our country's unrivaled military air power and until recently, our dominance of the commercial aviation market. Specifically, NASA engineers have developed innovations such as shaping for stealth; multi-axis thrust vectoring exhaust nozzles integrated with aircraft flight-control systems; fly-by-wire flight control technologies; high-strength and high-stiffness fiber composite structures; and tilt-wing rotorcraft technology. These breakthroughs have contributed to American security and economic prosperity.

Mr. SHELBY. Mr. President, I understand Senator ALLEN has had a long-

time interest in this issue and appreciate the point he is making with regard to the benefit of aeronautics research and development to our national defense and our economy.

Mr. ALLEN. I thank my colleague and would further argue that aeronautics is a vital and important science to our country. The U.S. aerospace and aviation industry employed 2 million workers in 2001. These workers earn incomes that are 35 percent higher than the average income in the U.S. Further, despite a recent decline in market share, U.S. commercial aviation is one of the few areas of U.S. manufacturing where we actually have a positive balance of trade.

Mr. SHELBY. I would tell my colleague I agree that we must find ways to support sciences and disciplines that contribute positively to the United States trade relationship with its partners.

Mr. ALLEN. Yet, even as our national security and economy are dependent on the breakthroughs in aeronautic research and developments, in recent years, NASA has significantly reduced its investment in this vital science. The administration's 2006 budget proposes to cut over \$700 million out of NASA's aeronautics budget over the next 5 years. That will reduce the effective levels of NASA's aeronautic investment to about half the level it is today—and today's level is about half the level which existed—adjusted for inflation—that the U.S. made just a decade ago.

Moreover, the President's budget called for eliminating NASA's entire "vehicle systems" program—the very initiative that over the last five decades has provided major technology advances that have been used on every major civil and military aircraft over that period of time.

The last two administrations have consistently reduced NASA's aeronautics funding and allowed a valuable competency and the human resource to atrophy and now the U.S. is second to the Europeans in aircraft sales.

I would like to point out that there have been a number of well researched, thoughtful reports on the importance of aeronautics research to our economic and national security. The National Institute of Aerospace recently released a comprehensive study that outlines priorities and funding requirements to meet the challenges we face from foreign competition and realize the innovations and breakthroughs of the future. Specifically, the report finds that NASA's aeronautics budget requires an average 5-year increase of \$885.5 million over the fiscal year 2005 levels. This proposed budget would bring NASA's aeronautics programs back to 1998 levels when factoring inflation. Further, the NIA report finds that NASA is uniquely suited to carry out this kind of research, given its vast infrastructure and world-class. Importantly, the report follows by noting that the outcome of aeronautics re-

search adds to the nation's wealth, not to any particular aviation company.

I understand we are not going to make those types of commitments in the fiscal year 2005 Commerce, Justice and Science Appropriations bill. However the House version of this measure includes some additional funding for aeronautics programs within NASA. The House provision would appropriate \$54 million above what the President requested in his fiscal year 2006 budget recommendation to the Congress. This relatively small increase would maintain aeronautics funding at levels appropriated in fiscal year 2005.

Mr. SHELBY. Mr. President, I am aware that our House counterparts have appropriated funding for NASA aeronautics programs at the fiscal year 2005 levels.

Mr. ALLEN. I would respectfully request that Chairman SHELBY and the other Senate conferees to this bill give all due consideration to the arguments we have made today and to the possibility of adhering to the House provision on fiscal year 2006 for NASA's aeronautics programs.

Mr. SHELBY. I say to Senator ALLEN that I will give every consideration to his request when we begin confereing this bill.

Mr. ALLEN. I offer my sincere appreciation for Chairman SHELBY's willingness to work with me on this issue which is vitally important for America's security and leadership in aeronautics innovation. He has been accommodating to my concerns and creative in trying to find a way to address our country's aeronautics needs for the coming fiscal year.

Mr. SHELBY. I thank my colleague for his interest in this legislation and his work on this issue.

Mr. ALLEN. Thank you Mr. President. I yield the floor.

Mr. GRASSLEY. Mr. President, I want to offer a few observations with respect to Stabenow amendment No. 1688 to H.R. 2862, which was accepted by the Senate yesterday, as modified, and elaborate on why I supported this amendment.

As my colleagues well know, I have long supported the legalization of prescription drug importation in this country. In fact, I have sponsored a bill to legalize the importation of prescription drugs. That bill is S. 334, the Pharmaceutical Market Access and Drug Safety Act of 2005. I want to thank Senators DORGAN, SNOWE, KENNEDY, and MCCAIN for working with me to carefully develop legislation that I could fully support. I worked very closely with my colleagues to draft S.334 in way that does not create any litigation risk with respect to any of our trade agreements. We achieved that in S. 334. I believe S. 334 is fully consistent with the terms of our trade agreements, including our agreements with Singapore, Morocco, and Australia.

The Stabenow amendment is not limited to pharmaceutical patents. That

concerns me. I believe the international trade obligations of the United States allow us to apply a special rule of patent exhaustion to pharmaceutical patents as long as we respect the principles of national treatment and most-favored-nation treatment. I hope that the Stabenow amendment will be further refined in conference so that its scope is limited to pharmaceutical patents.

By legalizing the importation of prescription drugs we will increase competition and keep the domestic pharmaceutical industry more responsive to consumers. Drug companies will be forced to reevaluate their pricing strategies, and American consumers will no longer be forced to pay more than their fair share of the high cost of research and development for new innovative pharmaceuticals. Prescription drug importation legislation has been stalled in Congress for far too long. My support for the Stabenow amendment is intended to help kickstart the legislative process, so we can pass prescription drug importation legislation without any more delay. The American people deserve no less.

Mrs. STABENOW. Mr. President, I rise today to thank Senators SHELBY and MIKULSKI and their staff for their aid in including an amendment that my colleague, Senator VITTER, and I offered. I also am pleased that Senators DORGAN, MCCAIN, DURBIN, LEVIN, SCHUMER, FEINGOLD, KOHL, and SNOWE cosponsored this amendment.

Our amendment simply matches a provision in the House's appropriation bill that prohibits the US Trade Representative from inserting anti-drug-importation language into free trade agreements. Our provision will remove a huge obstacle to creating a meaningful drug importation plan.

One of yesterday's headlines was that the cost of health insurance for working Americans climbed 9.2 percent this year, far outpacing both general inflation and workers' pay increases, according to a nationwide survey by the Kaiser Family Foundation.

On average, health insurance for a family cost \$10,880 this year, with the employer paying \$8,167 and the worker \$2,713, the survey found. The total cost almost exactly matches the total annual earnings of a person working full time at the minimum wage, the survey noted.

One of the key drivers of health care is the cost of prescription drugs. Rising drug costs place a huge financial burden on all Americans: from our senior citizens on fixed incomes, to working families without insurance, to small businesses with high health plan costs, to hospitals struggling to stay afloat, to states grappling with Medicaid drug costs. In April of this year, AARP reported last week that wholesale prescription drug costs rose an average of 7.1 percent last year. There is no way that our health system, our citizens, our government, and our taxpayers can continue to endure these increases year after year.

And these rising costs have an enormous health consequence for us, too. Prescription drugs are not like other products. They can do wonderful and amazing things but only if you can afford them. We might be able to make do and not buy a new pair of shoes, but we cannot off our medicine.

Because my home State borders Canada, I know what a difference reimportation has on people's lives. For years, I have joined my fellow Michiganians on their bus trips to Canada for medicine. What I discovered on my bus trips was almost unbelievable. Across Michigan's three bridges to Canada, my constituents have been able to buy safe, FDA-approved drugs at a fraction of the cost. For example, the cholesterol-lowering drug Lipitor is about 40 percent less; ulcer medication Prevacid is 50 percent less; and anti-depression medication Zyprexa is 70 percent less.

Today, the majority of Americans recognize that drug importation is a fair trade issue. They know that drug makers already bring drugs manufactured in other nations back into the U.S. And FDA inspectors go all over the world to inspect manufacturing lines that will produce drugs that ultimately will be brought into the U.S. I think many Americans would be surprised to learn that their drugs might be made in China, India, or Slovakia. In fact, one quarter of all drugs consumed by Americans were made in other nations and brought into the U.S.

But unfortunately for the millions of Americans who are struggling to afford their medication, PhRMA also has recognized that drug importation is a trade issue. According to its lobbying disclosures, PhRMA has actually lobbied the U.S. Trade Representative, our government's top international trade official, more than it lobbied the FDA, which directly oversees the industry's products. The Center for Public Integrity reported that PhRMA has contacted USTR more than any other lobbying organization.

That lobbying has paid off. Provisions in three different Free Trade Agreements with Singapore, Australia, and Morocco have created new patent rights for prescription drugs that would make it a violation to import drugs from those nations. Although none of the drug importation bills pending before the Senate propose importing drugs from all of those nations, these provisions are setting a dangerous precedent.

USTR has testified before Congress that new legislation on drug importation "could give rise to an inconsistency between U.S. law and a commitment under this trade agreement."

Worse, we are also hurting the ability of citizens in other nations to produce generic drugs. CAFTA contains language that will dramatically limit millions of patients' access to these low-cost, high-quality alternatives. In many Central American nations, brand-name drugs cost 22 times more than their generic equivalents.

This has already caused unrest. For example, HIV/AIDS patients in Guatemala have demonstrated against changes in their nation's generic-drug manufacturing laws as a result of CAFTA. Does this make any sense when we are trying to push for more resources to fight global AIDS?

Senators VITTER, MCCAIN, and I introduced a bill in July that would prohibit such unfair language as well as make sure that consumer voices—our voices—are heard in free trade negotiations regarding pharmaceutical issues. This bill has been endorsed by numerous groups including Consumers Union and the Center for Policy Analysis on Trade and Health.

The amendment accepted yesterday merely says that USTR should not adopt language creating obstacles to drug importation. The Stabenow-Vitter amendment is a fair compromise. We need to have an open discussion about drug importation—it shouldn't be decided for us as a provision in an unamendable trade agreement.

This amendment is not an attack on intellectual property or enforcing trade agreements. I am very concerned about enforcing our patents and ensuring other nations respect our companies' intellectual property. In fact, I am a cosponsor of Senators SPECTER and LEAHY's legislation on intellectual property.

Nothing in this amendment would preclude USTR from negotiating strongly-worded trade agreements that would protect and preserve our nation's patents and intellectual property. But surely USTR can negotiate and fight for language that isn't a back-handed way of blocking drug importation.

We know that, if given the chance, we can pass a good drug importation bill with bipartisan majorities in both houses of Congress. The bill that I have co-sponsored with Senators DORGAN, SNOWE, MCCAIN, and others would reduce total drug spending in the U.S. by about \$50 billion over the 2006-through-2015 period.

But if USTR continues to insert provisions against importation into our trade agreements—agreements that are supposed to help American consumers—then our hard work will be for nothing.

The drug makers have a complete monopoly on those prescription drugs. No one else—doctors, pharmacists, patients, and employers—has the same opportunity to purchase those FDA-approved drugs at low prices. Again, only the drug makers can bring in these safe, FDA-approved drugs. We need to change this policy.

Ms. MIKULSKI. Mr. President, I would like to thank Senator CANTWELL for tireless leadership in the fight against meth. Methamphetamine abuse has reached epidemic levels across our country, and by working to ensure that we don't shift the burden onto local communities, Senator CANTWELL has given State and local law enforcement

an important ally. Accepting her amendment to add \$20 million to the hotspots program brings funding for meth State and local enforcement to \$80 million. Coupled with the bipartisan addition of \$43 million of meth authorization dollars that Senator CANTWELL cosponsored and other meth-related funding, this bill makes an enormous Federal commitment to help our State and local effort to fight the meth battle. Senator CANTWELL's amendment sends vital Federal support to law enforcement officers and first responder on the front lines of the meth epidemic everywhere. These crimefighters need more funds to help combat this dangerous drug, and Senator CANTWELL has fought to give them resources they need. I appreciated her work to improve this bill, as do countless law enforcement officers across America.

Mr. President, as part of H.R. 2862, the fiscal year 2006 Commerce, Justice, Science Appropriations bill, the Senate has included comprehensive relief assistance for small business harmed by Hurricane Katrina. I am glad we were able to come to agreement on a bipartisan package and I thank Senators SNOWE, KERRY, VITTER and LANDRIEU for their work and for ensuring that we could move forward to pass these provisions so vital to small businesses in the Gulf Coast. One of the key differences between the Snowe-Vitter and Kerry-Landrieu amendments was that the latter included appropriations for the 7(a) Loan Guarantee Program. Our support of the compromise Hurricane Katrina small business package should not be interpreted as our taking a position today on whether to include appropriations for the 7(a) Loan Guarantee Program. While we were not able to address the 7(a) program today, I am aware that there is \$79 million included in the House version of our bill for the 7(a) program and that we will be addressing this issue in conference. I look forward to working with my colleagues to ensure that the 7(a) program continues to provide access to capital to small businesses across the Nation.

Mr. President, we are now coming to the end of our bill. We thank the leadership for all the help and support they gave us, and also working with the Judiciary Committee to accommodate their schedule.

This is the first time this subcommittee has come out with a bill. We are a newly constituted committee. I have had the chance to work with someone I had worked with in the House. Chairman SHELBY and I worked together in the same committee in the House of Representatives. Now we are together in Appropriations. I thank him for working with me in such a collegial and consultative way.

Also, his staff is outstanding: Katherine Hennessey, Jill Long, Nancy Perkins, Art Cameron, Allen Cutler, Shannon Hines, and Ryan Welch.

I also thank my staff: Paul Carliner, Kate Fitzpatrick, Gabrielle Batkin,

and Alexa Sewell, who is not here today because she has a new baby.

So I thank everyone because I think we are about to pass a good bill. I think the Senate can be very proud of this bill because we support law enforcement at all levels in our communities. We support technology and development and scientific discovery. And working with agencies such as the National Weather Service, we save lives and livelihoods.

So I am ready to move to final passage and, once again, express my appreciation.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I will try to be brief. We are getting toward the end.

I am pleased we have completed consideration of this 2006 Commerce-Justice-Science appropriations bill. This is not an easy bill, as everyone knows. With such broad jurisdiction, this bill attracts a lot of attention—sometimes too much—on the Senate floor and throughout the process.

It is our job—Senator MIKULSKI's and mine, with the help of leadership on both sides—to ensure the bill addresses my colleagues' concerns and effectively supports the operations of its Federal agencies. We have tried to do this. I think we have.

I thank my colleagues for understanding this and for working with us to ensure the viability of this bill, both here in the Senate and in conference.

I believe overall this is a good bill. It reflects the priorities of this body, and it addresses the needs of the Nation. Some needs are now more urgent than others, as we know in the wake of Hurricane Katrina, and we have and will continue to make adjustments in the Small Business Disaster Loan Program, the Economic Development Administration's Public Works Grants, and the National Oceanic and Atmospheric Administration's hurricane-related programs.

We will take this bill to the House of Representatives in conference. We have only a short time left in the year, as the leader keeps telling us. We will do our best to get a conference report to the President as soon as we can.

I also offer my thanks to the distinguished Senator from Maryland, Ms. MIKULSKI, for all of her work and the work of her staff. We have worked together for years. Without us working together in a bipartisan spirit, we would not be where we are today. She and her staff have worked with our side of the aisle in a truly bipartisan manner, and it is reflected in the bill.

I also thank Senator COCHRAN, chairman of the full committee, for all of his work and advice. It has been appreciated. I also thank the leaders, Senators FRIST and REID, and the floor staff, especially Dave Schiappa, Bill Hoagland, and my staffer, Katherine Hennessey, and others. They did an excellent job helping us move this bill along, and we are in their debt.

I thank the Chair.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in a very few seconds we will proceed to passage of the CJS bill. I congratulate the two managers for the outstanding job they have done, Senators SHELBY and MIKULSKI. They patiently stayed on the floor day and night working through the amendments. We thank them for their efforts. It has been a matter of a lot of patience, in part due to the coordination with the Judiciary Committee and those hearings. In a few moments after passage of the bill, we will be turning to the Agriculture appropriations bill. The managers are here. They will be making their opening statements, but we will not have roll-call votes later today. Tomorrow we have an important congressional delegation traveling to the Gulf States. In addition, we have a delegation attending a celebration for the national day of prayer and remembrance. Therefore, we will not be in session on Friday. We will return on Monday. We will have a vote Monday, late afternoon, at approximately 5:30. We will alert all Members when that vote is locked in.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. THUNE), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Dakota (Mr. THUNE) would have voted "yea."

Mr. DURBIN. I announce that the Senate from New Jersey (Mr. CORZINE) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

The PRESIDING OFFICER (Mr. DEMINT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 235 Leg.]

Akaka	Burns	Craig
Alexander	Burr	Crapo
Allard	Byrd	Dayton
Allen	Cantwell	DeMint
Baucus	Carper	DeWine
Bayh	Chafee	Dodd
Bennett	Chambliss	Dole
Biden	Clinton	Domenici
Bingaman	Cochran	Dorgan
Bond	Coleman	Durbin
Boxer	Collins	Ensign
Brownback	Conrad	Feingold
Bunning	Cornyn	Feinstein

Frist	Levin	Salazar
Graham	Lieberman	Santorum
Grassley	Lincoln	Sarbanes
Gregg	Lugar	Schumer
Hagel	Martinez	Sessions
Harkin	McCain	Shelby
Hatch	McConnell	Smith
Hutchison	Mikulski	Snowe
Inouye	Murkowski	Specter
Isakson	Murray	Stabenow
Jeffords	Nelson (FL)	Stevens
Johnson	Nelson (NE)	Sununu
Kennedy	Obama	Talent
Kerry	Pryor	Voinovich
Kohl	Reed	Warner
Kyl	Reid	Wyden
Lautenberg	Roberts	
Leahy	Rockefeller	

NAYS—4

Coburn	Inhofe
Enzi	Thomas

NOT VOTING—5

Corzine	Lott	Vitter
Landrieu	Thune	

The bill (H.R. 2862), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. SHELBY. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the title amendment is agreed to.

The Senate insists on its amendments, requests a conference with the House, and the Chair appoints Mr. SHELBY, Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. BOND, Mr. COCHRAN, Ms. MIKULSKI, Mr. INOUE, Mr. LEAHY, Mr. KOHL, Mrs. MURRAY, Mr. HARKIN, Mr. DORGAN, and Mr. BYRD conferees on the part of the Senate.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate has approved H.R. 2862, the fiscal year 2006 appropriations bill providing vital funding for the Departments of Commerce and Justice and related agencies. I am, however, disappointed about the fact that this bill underfunds some important priorities. I am also disappointed that the Senate rejected several worthy amendments that would have improved this bill and helped to meet our obligations to the victims of Hurricane Katrina.

Whether we call police officers "law enforcement" or "first responders," I believe that Congress, in partnership with States and local communities, has an obligation to provide State and local law enforcement with the tools, technology, and training they need to protect our communities. I am deeply concerned about proposed cuts in Federal funding programs for our nation's law enforcement officers. I have consistently supported a number of Federal grant programs, including the Community Oriented Policing and Problem Solving, COPS, Program, which is instrumental in providing funding to train new officers and provide crime-fighting technologies. I also support funding for the Byrne grant

program, which provides funding to help fight violent and drug-related crime, including support to multi-jurisdictional drug task forces, drug courts, drug education and prevention programs, and many other efforts to reduce drug abuse and prosecute drug offenders. I know how important these programs have been to Wisconsin law enforcement efforts, in particular with regard to fighting the spread of methamphetamines.

Unfortunately, not everyone sees it that way. Once again this year, the administration's budget proposal would have drastically cut the COPS Program, and would have eliminated all funding for the Byrne grant program. I have already supported efforts to restore this funding through the budget process, and am proud to continue to fight in the appropriations process to make sure that state and local law enforcement receive the Federal grants that they need and deserve. We should be doing more, not less, to support our local law enforcement. In particular, I was proud to support Senator BIDEN's amendment that provided additional COPS funds for the hiring of local police officers, an aspect of the COPS Program that has been dramatically cut back. The amendment also would have provided \$19 million to help find children displaced by Katrina and reunite them with their families, and to support victims of domestic violence and sexual assault affected by Katrina. I regret the Senate's decision to reject this amendment.

On the other hand, I am pleased that an amendment offered by Senators DAYTON and CHAMBLISS to increase Byrne/local law enforcement block grant funding by \$275 million was accepted. This amendment, which I cosponsored, restores funding for these important programs to fiscal year 2003 levels, and I hope it will be retained in conference.

While I strongly support the efforts of Senator STABENOW to address the need for first responders to have interoperable communications capabilities, I could not support her amendment. My colleague from Michigan rightly notes that making sure that all of our first responders can communicate with each other must be a priority for our Nation, and I admire her efforts to advance this cause. However, 4 years after September 11 tragically highlighted this vitally important issue, we still do not have unified national interoperable communications standards. Without these standards, there is no guarantee that a new \$5 billion grant program for equipment would create the interoperable communication system we need and that our first responders and communities deserve. When spending such massive amounts of money and such a large percentage of all first responder funding on this new program, we must make sure that we are spending the money wisely. Without standards we cannot meet this test and that is why I regretfully voted against this amendment.

I am disappointed that the Senate did not adopt the amendment I cosponsored offered by Senator CLINTON that would have created a commission to investigate and identify the problems with the governmental response to Katrina. Hurricane Katrina and its aftermath devastated the gulf region and exposed serious flaws in our Nation's response capabilities. While the crisis prompted untold acts of heroism and compassion that continue to this day, it also revealed gaping holes in the Government's reaction and ability to stop, reduce, or mitigate the effects of this terrible disaster.

We need answers. We need answers about what went right, what went wrong, and what we can do to make sure our response is better to future disasters. We need a serious inquiry unimpeded by political considerations or posturing, and I believe an independent commission is the right way to do that. Our Nation and this Senate have been willing to spend tens of billions of dollars in the last 4 years to address our disaster response capabilities. Hurricane Katrina showed that those capabilities still can't provide Americans with the protection and safety they deserve. We need the serious rethinking and reassessment a Katrina commission could provide so that we can effectively address our nation's critical response needs. That is why I hope the Senate will soon reconsider establishing such a commission.

In closing, I want to note my disappointment that the bill fails to address problems with media concentration. I have long been concerned about concentration and vertical integration in the radio industry, which was one of the reasons I opposed the Telecommunications Act of 1996 that relaxed many ownership restrictions. I feel that consolidation has the strong potential for limiting creativity, localism and diversity on our airwaves. In 1998, twice in 2001 and again in September 2002, the Federal Communications Commission, FCC, published reports on the changes in the radio industry as a result of the 1996 act. These reports showed significant consolidation nationally and in local markets. For example in 1996, the largest radio group owned less than 65 stations; by 2002 the largest radio group had more than 1,200 stations.

I proposed a modest amendment to require the FCC to update and provide Congress with a report on consolidation in the radio industry that the FCC last produced 3 years ago. I was disappointed that I was denied even the opportunity to get a vote on my amendment. As New York Attorney General Eliot Spitzer's recent payola settlement shows, there continue to be problems with the radio industry and therefore there is a need for updated information about the state of the industry so that Congress can decide how to address these problems.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2744, the Agriculture appropriations bill. I further ask that the committee-reported substitute be agreed to as the original text for purposes of further amendment and that no points of order be waived by virtue of this agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes. The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 2744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes, namely:

[TITLE I

[AGRICULTURAL PROGRAMS

[OFFICE OF THE SECRETARY

[For necessary expenses of the Office of the Secretary of Agriculture, \$5,127,000: *Provided*, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

[EXECUTIVE OPERATIONS

[CHIEF ECONOMIST

[For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), \$10,539,000.

[NATIONAL APPEALS DIVISION

[For necessary expenses of the National Appeals Division, \$14,524,000.

[OFFICE OF BUDGET AND PROGRAM ANALYSIS

[For necessary expenses of the Office of Budget and Program Analysis, \$8,298,000.

[HOMELAND SECURITY STAFF

[For necessary expenses of the Homeland Security Staff, \$934,000.

[OFFICE OF THE CHIEF INFORMATION OFFICER

[For necessary expenses of the Office of the Chief Information Officer, \$16,462,000.

[COMMON COMPUTING ENVIRONMENT

[For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and Rural Development mission areas for information technology, systems, and services,

\$124,580,000 (reduced by \$40,000,000) (reduced by \$2,000,000) (reduced by \$855,000) (reduced by \$21,000,000) to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915-16 and 40 U.S.C. 1421-28: *Provided*, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

【OFFICE OF THE CHIEF FINANCIAL OFFICER】

【For necessary expenses of the Office of the Chief Financial Officer, \$5,874,000: *Provided*, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center: *Provided further*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A-76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

【OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS】

【For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, \$811,000.

【OFFICE OF CIVIL RIGHTS】

【For necessary expenses of the Office of Civil Rights, \$20,109,000.

【OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION】

【For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, \$676,000.

【AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS】

【(INCLUDING TRANSFERS OF FUNDS)】

【For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, \$183,133,000, to remain available until expended, as follows: for payments to the General Services Administration and the Department of Homeland Security for building security, \$147,734,000, and for buildings operations and maintenance, \$35,399,000: *Provided*, That amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

【HAZARDOUS MATERIALS MANAGEMENT】

【(INCLUDING TRANSFERS OF FUNDS)】

【For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), \$15,644,000, to remain available until expended: *Provided*, That appropriations and

funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

【DEPARTMENTAL ADMINISTRATION】

【(INCLUDING TRANSFERS OF FUNDS)】

【For Departmental Administration, \$23,103,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

【OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS】

【(INCLUDING TRANSFERS OF FUNDS)】

【For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,821,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

【OFFICE OF COMMUNICATIONS】

【For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, \$9,509,000: *Provided*, That not to exceed \$2,000,000 may be used for farmers' bulletins.

【OFFICE OF THE INSPECTOR GENERAL】

【For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, \$79,626,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

【OFFICE OF THE GENERAL COUNSEL】

【For necessary expenses of the Office of the General Counsel, \$38,439,000.

【OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS】

【For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, \$598,000.

【ECONOMIC RESEARCH SERVICE】

【For necessary expenses of the Economic Research Service in conducting economic re-

search and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$75,931,000.

【NATIONAL AGRICULTURAL STATISTICS SERVICE】

【For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621-1627 and 2204g, and other laws, \$136,241,000, of which up to \$29,115,000 shall be available until expended for the Census of Agriculture.

【AGRICULTURAL RESEARCH SERVICE】

【SALARIES AND EXPENSES】

【For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,035,475,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for headhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political sub-division, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: *Provided further*, That the Secretary, through the Agricultural Research Service, or successor, is authorized to lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: *Provided further*, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: *Provided further*, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research

to be conducted by the Colorado State University and the Government at the Shortgrass Steppe Biological Field Station: *Provided further*, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the option of the Secretary on such terms and conditions as the Secretary deems in the public interest.

[None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

[BUILDINGS AND FACILITIES

[For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$87,300,000, to remain available until expended.

[COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

[RESEARCH AND EDUCATION ACTIVITIES

[For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$661,691,000 (increased by \$855,000), as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a-i), \$178,807,000; for grants for cooperative forestry research (16 U.S.C. 582a through a-7), \$22,255,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), \$37,704,000, of which \$1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), \$92,064,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), \$15,038,000; for competitive research grants (7 U.S.C. 450i(b)), \$214,634,000; for the support of animal health and disease programs (7 U.S.C. 3195), \$5,057,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$1,187,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), \$1,102,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103-382 (7 U.S.C. 301 note), \$1,000,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), \$1,000,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$4,500,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$5,500,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), \$5,645,000 (increased by \$855,000); for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106-78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, \$2,997,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), \$1,000,000; for aquaculture grants (7 U.S.C. 3322), \$3,968,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$12,400,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee University and West Virginia State University, \$12,312,000, to remain available until ex-

ended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103-382, \$2,250,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), \$500,000; and for necessary expenses of Research and Education Activities, \$39,773,000, of which \$2,750,000 for the Research, Education, and Economics Information System and \$2,173,000 for the Electronic Grants Information System, are to remain available until expended.

[None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: *Provided*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

[NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

[For the Native American Institutions Endowment Fund authorized by Public Law 103-382 (7 U.S.C. 301 note), \$12,000,000, to remain available until expended.

[EXTENSION ACTIVITIES

[For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, \$444,871,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents, \$275,940,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$62,409,000; payments for the pest management program under section 3(d) of the Act, \$10,000,000; payments for the farm safety program under section 3(d) of the Act, \$4,563,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, \$1,000,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95-113 (7 U.S.C. 3222b), \$16,777,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, \$7,978,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$444,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), \$4,060,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, \$1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$4,067,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92-419 (7 U.S.C. 2662(i)), \$1,965,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326 and 328) and Tuskegee University and West Virginia State University, \$33,868,000, of which \$1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; and for necessary expenses of Extension Activities, \$16,531,000.

[INTEGRATED ACTIVITIES

[For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$15,513,000, as follows: for a competitive international science and education grants

program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, \$1,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89-106, as amended, \$1,000,000, to remain available until September 30, 2007 for the critical issues program, and \$1,513,000 for the regional rural development centers program; and \$12,000,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2007.

[OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

[For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), \$5,935,000 (increased by \$1,875,000), to remain available until expended.

[OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

[For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; \$724,000.

[ANIMAL AND PLANT HEALTH INSPECTION SERVICE

[SALARIES AND EXPENSES

[(INCLUDING TRANSFERS OF FUNDS)

[For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, \$823,635,000 (increased by \$18,885,000), of which \$4,140,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which \$38,634,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones; of which \$33,340,000 shall be available for a National Animal Identification program: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal

year shall not exceed 10 percent of the current replacement value of the building.

[In fiscal year 2006, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.]

[BUILDINGS AND FACILITIES]

[For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$4,996,000, to remain available until expended.]

[AGRICULTURAL MARKETING SERVICE]

[MARKETING SERVICES]

[For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, \$78,032,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.]

[Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).]

[LIMITATION ON ADMINISTRATIVE EXPENSES]

[Not to exceed \$65,667,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.]

[FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)]

[INCLUDING TRANSFERS OF FUNDS]

[Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$16,055,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.]

[PAYMENTS TO STATES AND POSSESSIONS]

[For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,347,000.]

[GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION]

[SALARIES AND EXPENSES]

[For necessary expenses to carry out the provisions of the United States Grain Stand-

ards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, \$38,400,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.]

[LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES]

[Not to exceed \$42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.]

[OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY]

[For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, \$590,000.]

[FOOD SAFETY AND INSPECTION SERVICE]

[SALARIES AND EXPENSES]

[For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$837,264,000, of which no less than \$756,152,000 shall be available for Federal food safety inspection; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That of the total amount made available under this heading, no less than \$20,653,000 shall be obligated for regulatory and scientific training: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.]

[OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES]

[For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, \$635,000.]

[FARM SERVICE AGENCY]

[SALARIES AND EXPENSES]

[INCLUDING TRANSFERS OF FUNDS]

[For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, \$1,023,738,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.]

[STATE MEDIATION GRANTS]

[For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101-5106), \$4,250,000.]

[DAIRY INDEMNITY PROGRAM]

[INCLUDING TRANSFER OF FUNDS]

[For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, \$100,000, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387, 114 Stat. 1549A-12).]

[AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT]

[INCLUDING TRANSFERS OF FUNDS]

[For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$1,600,000,000, of which \$1,400,000,000 shall be for guaranteed loans and \$200,000,000 shall be for direct loans; operating loans, \$2,116,256,000, of which \$1,200,000,000 shall be for unsubsidized guaranteed loans, \$266,256,000 shall be for subsidized guaranteed loans and \$650,000,000 shall be for direct loans; Indian tribe land acquisition loans, \$2,020,000; and for boll weevil eradication program loans, \$100,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.]

[For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$16,960,000, of which \$6,720,000 shall be for guaranteed loans, and \$10,240,000 shall be for direct loans; operating loans, \$134,317,000, of which \$36,360,000 shall be for unsubsidized guaranteed loans, \$33,282,000 shall be for subsidized guaranteed loans, and \$64,675,000 shall be for direct loans; and Indian tribe land acquisition loans, \$81,000.]

[In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$305,127,000, of which \$297,127,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".]

[Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.]

[RISK MANAGEMENT AGENCY]

[ADMINISTRATIVE AND OPERATING EXPENSES]

[For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), \$77,806,000: *Provided*, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).]

[CORPORATIONS]

[The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out

the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

[FEDERAL CROP INSURANCE CORPORATION FUND]

[For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

[COMMODITY CREDIT CORPORATION FUND]

[REIMBURSEMENT FOR NET REALIZED LOSSES]

[For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

[HAZARDOUS WASTE MANAGEMENT]

[LIMITATION ON EXPENSES]

[For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

[TITLE II]

[CONSERVATION PROGRAMS]

[OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT]

[For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, \$744,000.

[NATURAL RESOURCES CONSERVATION SERVICE]

[CONSERVATION OPERATIONS]

[For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$793,640,000 (reduced by \$20,000,000), to remain available until March 31, 2007, of which not less than \$10,457,000 is for snow survey and water forecasting, and not less than \$10,547,000 is for operation and establishment of the plant materials centers, and of which not less than \$27,312,000 shall be for the grazing lands conservation initiative: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250

for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

[WATERSHED SURVEYS AND PLANNING]

[For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1009), \$7,026,000.

[WATERSHED AND FLOOD PREVENTION OPERATIONS]

[For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1005 and 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$60,000,000, to remain available until expended; of which up to \$10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): *Provided*, That not to exceed \$25,000,000 of this appropriation shall be available for technical assistance: *Provided further*, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

[WATERSHED REHABILITATION PROGRAM]

[For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, \$27,000,000 (increased by \$20,000,000), to remain available until expended.

[RESOURCE CONSERVATION AND DEVELOPMENT]

[For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010-1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a-f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), \$51,360,000, to remain available until expended: *Provided*, That the Secretary shall enter into a cooperative or contribution agreement, within 45 days of enactment of this Act, with a national association regarding a Resource Conservation and Development program and such agreement shall contain the same matching, contribution requirements, and funding level, set forth in a similar cooperative or contribution agreement with a national association in fiscal year 2002: *Provided further*, That not to exceed \$3,411,000

shall be available for national headquarters activities.

[TITLE III]

[RURAL DEVELOPMENT PROGRAMS]

[OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT]

[For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, \$627,000.

[RURAL COMMUNITY ADVANCEMENT PROGRAM]

[(INCLUDING TRANSFERS OF FUNDS)]

[For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E-H and 381N of the Consolidated Farm and Rural Development Act, \$657,389,000, to remain available until expended, of which \$38,006,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which \$531,162,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed \$500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which \$88,221,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided*, That of the total amount appropriated in this account, \$24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which \$4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which \$250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated for rural community programs, \$6,200,000 shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; \$1,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading: *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed \$25,000,000 shall be for water and waste disposal systems to benefit the Colonias along

the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed \$17,500,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which \$5,600,000 shall be for Rural Community Assistance Programs; and not to exceed \$14,000,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed \$21,367,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which \$1,067,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which \$12,000,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which \$8,300,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants Account".

[RURAL DEVELOPMENT

[SALARIES AND EXPENSES

[(INCLUDING TRANSFERS OF FUNDS)

[For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$152,623,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than \$10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

[RURAL HOUSING SERVICE

[RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

[(INCLUDING TRANSFERS OF FUNDS)

[For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$4,821,832,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$1,140,799,000 shall be for direct loans, and of which \$3,681,033,000 shall be for unsubsidized guaranteed loans; \$35,969,000 for section 504 housing repair loans; \$100,000,000 for section 515 rental housing; \$100,000,000 for section 538 guaranteed multi-family housing loans; \$5,000,000 for section 524 site loans; \$11,500,000 for credit sales of acquired property, of which up to \$1,500,000 may be for multi-family credit sales; and \$5,048,000 for section 523 self-help housing land development loans.

[For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$170,837,000, of which \$129,937,000 shall

be for direct loans, and of which \$40,900,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$10,521,000; section 515 rental housing, \$45,880,000; section 538 multi-family housing guaranteed loans, \$5,420,000; multi-family credit sales of acquired property, \$681,000; and section 523 self-help housing and development loans, \$52,000: *Provided*, That of the total amount appropriated in this paragraph, \$2,500,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

[In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$455,242,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

[RENTAL ASSISTANCE PROGRAM

[For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$650,026,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, \$5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$20,000 per project for advances to non-profit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during the current fiscal year shall be funded for a four-year period: *Provided further*, That any unexpended balances remaining at the end of such four-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act.

[MUTUAL AND SELF-HELP HOUSING GRANTS

[For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$34,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, \$1,000,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

[RURAL HOUSING ASSISTANCE GRANTS

[For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$41,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, \$1,200,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

[FARM LABOR PROGRAM ACCOUNT

[For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$32,728,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

[RURAL BUSINESS-COOPERATIVE SERVICE

[RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

[(INCLUDING TRANSFER OF FUNDS)

[For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$34,212,000.

[For the cost of direct loans, \$14,718,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$1,724,000 shall be available through June 30, 2006, for Federally Recognized Native American Tribes and of which \$3,449,000 shall be available through June 30, 2006, for the Delta Regional Authority (7 U.S.C. 1921 et seq.): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, \$887,000 shall be available through June 30, 2006, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

[In addition, for administrative expenses to carry out the direct loan programs, \$4,719,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

[RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

[(INCLUDING RESCISSION OF FUNDS)

[For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$25,003,000.

[For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$4,993,000, to remain available until expended.

[Of the funds derived from interest on the cushion of credit payments in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, \$18,877,000 shall not be obligated and \$18,877,000 are rescinded.

[RURAL COOPERATIVE DEVELOPMENT GRANTS

[For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$24,000,000 (increased by \$40,000,000), of which \$500,000 shall be for cooperative research agreements; and of which \$2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed \$1,000,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which not to exceed \$15,500,000 (increased by \$40,000,000), to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

[RURAL EMPOWERMENT ZONES AND ENTERPRISE

[COMMUNITY GRANTS

[For grants in connection with second and third rounds of empowerment zones and enterprise communities, \$10,000,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-

277): *Provided*, That of the funds appropriated, \$1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106-554).

【RENEWABLE ENERGY PROGRAM

【For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), \$23,000,000 for direct and guaranteed renewable energy loans and grants: *Provided*, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

【RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

【(INCLUDING TRANSFER OF FUNDS)

【Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, \$100,000,000; municipal rate rural electric loans, \$100,000,000; loans made pursuant to section 306 of that Act, rural electric, \$2,100,000,000; Treasury rate direct electric loans, \$1,000,000,000; guaranteed underwriting loans pursuant to section 313A, \$1,000,000,000; 5 percent rural telecommunications loans, \$145,000,000; cost of money rural telecommunications loans, \$424,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$125,000,000.

【For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, \$6,160,000, and the cost of telecommunications loans, \$212,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

【In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$38,907,000 which shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

【RURAL TELEPHONE BANK PROGRAM ACCOUNT

【(INCLUDING TRANSFER OF FUNDS)

【The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs.

【For administrative expenses, including audits, necessary to continue to service existing loans, \$2,500,000, which shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

【Of the unobligated balances from the Rural Telephone Bank Liquidating Account, \$2,500,000 shall not be obligated and \$2,500,000 are rescinded.

【DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

【For the principal amount of direct distance learning and telemedicine loans, \$50,000,000; and for the principal amount of direct broadband telecommunication loans, \$463,860,000.

【For the cost of direct loans and grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$25,750,000, to remain available

until expended, of which \$750,000 shall be for direct loans: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

【For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., \$9,973,000, to remain available until expended: *Provided*, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: *Provided further*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

【In addition, \$9,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

【TITLE IV

【DOMESTIC FOOD PROGRAMS

【OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

【For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, \$599,000.

【FOOD AND NUTRITION SERVICE

【CHILD NUTRITION PROGRAMS

【(INCLUDING TRANSFERS OF FUNDS)

【For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$12,412,027,000, to remain available through September 30, 2007, of which \$7,224,406,000 is hereby appropriated and \$5,187,621,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That up to \$5,235,000 shall be available for independent verification of school food service claims.

【SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

【For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$5,257,000,000, to remain available through September 30, 2007: *Provided*, That of the total amount available, the Secretary shall obligate not less than \$15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): *Provided further*, That only the provisions of section 17(h)(10)(B)(i) shall be effective in 2006; including \$14,000,000 for the purposes specified in section 17(h)(10)(B)(i): *Provided further*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That on or after October 1, 2005, or the date of enactment of this act, whichever is later, any individual seeking certification or recertification for benefits under the income eligibility provisions of section 17(d)(2)(iii) of the Child Nutrition Act of 1966 shall meet such eligibility requirements only if the income, as determined under title XIX of the Social Security Act, of the individual or the family of which

the individual is a member is less than 250 percent of the applicable nonfarm income poverty guideline: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

【FOOD STAMP PROGRAM

【For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), \$40,711,395,000, of which \$3,000,000,000 to remain available through September 30, 2007, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: *Provided further*, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

【COMMODITY ASSISTANCE PROGRAM

【For necessary expenses to carry out disaster assistance and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance (in a form determined by the Secretary of Agriculture) for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$178,797,000, to remain available through September 30, 2007: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2006 to support the Senior Farmers' Market Nutrition Program, as authorized by section 4402 of Public Law 107-171, such funds shall remain available through September 30, 2007.

【NUTRITION PROGRAMS ADMINISTRATION

【For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, \$140,761,000.

【TITLE V

【FOREIGN AGRICULTURAL SERVICE

【SALARIES AND EXPENSES

【(INCLUDING TRANSFERS OF FUNDS)

【For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$158,000 for representation allowances and for

expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$148,224,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

[PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

[(INCLUDING TRANSFERS OF FUNDS)]

[For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, \$65,040,000, to remain available until expended.

[In addition, for administrative expenses to carry out the credit program of title I, Public Law 83-480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83-480 are utilized, \$3,385,000, of which \$168,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$3,217,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

[PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

[(INCLUDING TRANSFER OF FUNDS)]

[For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, \$11,940,000, to remain available until expended: *Provided*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

[PUBLIC LAW 480 TITLE II GRANTS

[For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,107,094,000, to remain available until expended.

[COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

[(INCLUDING TRANSFERS OF FUNDS)]

[For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$5,279,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$3,440,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$1,839,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

[MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

[For necessary expenses to carry out the provisions of section 3107 of the Farm Secu-

rity and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), \$100,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

[TITLE VI

[FOOD AND DRUG ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$1,837,928,000: *Provided*, That of the amount provided under this heading, \$305,332,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2007 but collected in fiscal year 2006; \$40,300,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and \$11,318,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2006, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2006 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) \$444,095,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$519,814,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) \$178,713,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$99,787,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$243,939,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$41,152,000 shall be for the National Center for Toxicological Research; (7) \$58,515,000 shall be for Rent and Related activities, of which \$21,974,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) \$134,853,000 shall be for payments to the General Services Administration for rent; and (9) \$117,060,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: *Provided further*, That of the funds provided herein for other activities, \$5,853,000 may not be obligated until the Commissioner or Acting Commissioner has presented public testimony on the President's 2006 budget request

before the Committee on Appropriations of the House of Representatives: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

[In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

[In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

[BUILDINGS AND FACILITIES

[For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$5,000,000 to remain available until expended.

[INDEPENDENT AGENCIES

[COMMODITY FUTURE TRADING COMMISSION

[For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, \$98,386,000, including not to exceed \$3,000 for official reception and representation expenses.

[FARM CREDIT ADMINISTRATION

[LIMITATION ON ADMINISTRATIVE EXPENSES

[Not to exceed \$44,250,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

[TITLE VII—GENERAL PROVISIONS

[(INCLUDING RESCISSION OF FUNDS)]

[SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 320 passenger motor vehicles, of which 320 shall be for replacement only, and for the hire of such vehicles.

[SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

[SEC. 703. Funds appropriated by this Act shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

[SEC. 704. New obligatory authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, up to \$8,000,000 in the low pathogen avian influenza program for indemnities, up to \$1,500,000 in the scrapie program for indemnities, up to \$33,340,000 in animal health monitoring and surveillance for the animal identification system, up to \$3,009,000 in the emergency management systems program for the vaccine bank, up to \$1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension

Service, funds for competitive research grants (7 U.S.C. 450i(b)); Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to \$1,565,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

[SEC. 705. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

[SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[SEC. 707. Not to exceed \$50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

[SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and non-profit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

[SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

[SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

[SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

[SEC. 712. Appropriations to the Department of Agriculture for the cost of direct

and guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

[SEC. 713. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

[SEC. 714. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

[SEC. 715. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

[SEC. 716. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

[SEC. 717. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over \$25,000 prior to receipt of written approval by the Chief Information Officer.

[SEC. 718. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

- [(1)** creates new programs;
- [(2)** eliminates a program, project, or activity;
- [(3)** increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- [(4)** relocates an office or employees;
- [(5)** reorganizes offices, programs, or activities; or
- [(6)** contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

[(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

[(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

[SEC. 719. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105-185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

[SEC. 720. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2007 appropriations Act.

[SEC. 721. None of the funds made available by this or any other Act may be used to close or relocate a State Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

[SEC. 722. In addition to amounts otherwise appropriated or made available by this Act, \$2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

[SEC. 723. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

[SEC. 724. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j)(e)(6)(B)) is amended by striking "\$27,998,000" and inserting "\$28,498,000".

【SEC. 725. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than \$25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

【(1) agricultural commodities to—

【(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities; and

【(B) households in the communities, particularly individuals caring for orphaned children; and

【(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

【SEC. 726. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Kane County, Illinois, Indian Creek Watershed Flood Prevention Project, from funds available for the Watershed and Flood Prevention Operations program, not to exceed \$1,000,000 and Hickory Creek Special Drainage District, Bureau County, Illinois, not to exceed \$50,000.

【SEC. 727. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriation Act.

【SEC. 728. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 22 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

【SEC. 729. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

【SEC. 730. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd-7).

【SEC. 731. Agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

【SEC. 732. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107-171 (7 U.S.C. 2655).

【SEC. 733. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to \$10,000,000 for costs associated with the distribution of commodities.

【SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 154,500 acres in the calendar year 2006 wetlands reserve program as authorized by 16 U.S.C. 3837.

【SEC. 735. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of \$1,012,000,000 (increased by \$40,000,000).

【SEC. 736. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the \$23,000,000 made available by section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

【SEC. 737. With the exception of funds provided in fiscal year 2003, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the \$50,000,000 made available by section 601(j)(1)(A) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)(A)).

【SEC. 738. None of the funds made available in fiscal year 2005 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of \$20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

【SEC. 739. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the \$120,000,000 made available by section 6401(a) of Public Law 107-171.

【SEC. 740. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

【SEC. 741. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Conservation Security Program authorized by 16 U.S.C. 3838 et seq., in excess of \$258,000,000 (reduced by \$13,000,000).

【SEC. 742. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2502 of Public Law 107-171 in excess of \$60,000,000 (reduced by \$17,000,000).

【SEC. 743. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2503 of Public Law 107-171 in excess of \$83,500,000 (reduced by \$10,000,000).

【SEC. 744. With the exception of funds provided in fiscal year 2005, none of the funds appropriated or otherwise made available by this or any other Act shall be used to carry out section 6029 of Public Law 107-171.

【SEC. 745. None of the funds appropriated or otherwise made available in this Act shall be expended to violate Public Law 105-264.

【SEC. 746. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a ground and surface water conservation program authorized by section 2301 of Public Law 107-171 in excess of \$51,000,000.

【SEC. 747. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02-062-1; 68 Fed. Reg. 40541).

【SEC. 748. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

【SEC. 749. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107-171 in excess of \$60,000,000.

【SEC. 750. Agencies and offices of the Department of Agriculture may utilize any available discretionary funds to cover the costs of preparing, or contracting for the preparation of, final agency decisions regarding complaints of discrimination in employment or program activities arising within such agencies and offices.

【SEC. 751. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in fiscal year 2006 shall remain available until expended to cover obligations made in fiscal year 2006, and are not available for new obligations.

【SEC. 752. None of the funds made available under this Act shall be available to pay the administrative expenses of a State agency that, after the date of enactment of this Act and prior to implementation of interim final regulations regarding vendor cost containment in accordance with the provisions set forth in section 17(h)(11)(G) of the Child Nutrition Act of 1966, authorizes any new for-profit vendor(s) to transact food instruments under the Special Supplemental Nutrition Program for Women, Infants, and Children if it is expected that more than 50 percent of the annual revenue of the vendor from the sale of food items will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is necessary to assure participant access to program benefits or is in accordance with the provisions set forth in section 17(h)(11)(E) of the Child Nutrition Act of 1966.

【SEC. 753. There is hereby appropriated \$1,000,000, to remain available until expended, for a grant to the Ohio Livestock Expo Center in Springfield, Ohio.

【SEC. 754. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out an Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act in excess of \$6,000,000 (7 U.S.C. 1524).

【SEC. 755. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Biomass Research and Development Program in excess of \$12,000,000, as authorized by Public Law 106-224 (7 U.S.C. 7624 note).

【SEC. 756. Notwithstanding 40 U.S.C. 524, 571, and 572, the Secretary of Agriculture

may sell the US Water Conservation Laboratory, Phoenix, Arizona, and credit the net proceeds of such sale as offsetting collections to its Agricultural Research Service Buildings and Facilities account. Such funds shall be available until September 30, 2007 to be used to replace these facilities and to improve other USDA-owned facilities.

[SEC. 757. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

[SEC. 758. None of the funds appropriated or otherwise made available by this Act shall be used for the implementation of Country of Origin Labeling for meat or meat products.

[SEC. 759. (a) Notwithstanding any other provision of law, and until the receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

[(1) the City of Bridgeton, New Jersey, the City of Kinston, North Carolina, and the City of Portsmouth, Ohio as rural areas for the purposes of Rural Housing Service Community Facilities Program loans and grants;

[(2) the Township of Bloomington, Illinois (including individuals and entities with projects within the Township) eligible for Rural Housing Service Community Facilities Programs loans and grants; and

[(3) the City of Lone Grove, Oklahoma (including individuals and entities with projects within the city) eligible for Rural Housing Service Community Facilities Program loans and grants.

[SEC. 760. The Secretary of Agriculture shall use \$10,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to compensate commercial citrus and lime growers in the State of Florida for tree replacement and for lost production with respect to trees removed to control citrus canker, and with respect to certified citrus nursery stocks within the citrus canker quarantine areas, as determined by the Secretary. For a grower to receive assistance for a tree under this section, the tree must have been removed after September 30, 2001.

[SEC. 761. The counties of Burlington and Camden, New Jersey (including individuals and entities with projects within these counties) shall be eligible for loans and grants under the Rural Community Advancement Program for fiscal year 2006 to the same extent they were eligible for such assistance during the fiscal year 2005 under section 106 of Chapter 1 of Division B of Public Law 108-324 (188 Stat. 1236).

[SEC. 762. Of the unobligated balances available in the Special Supplemental Nutrition Program for Women, Infants, and Children reserve account, \$32,000,000 is hereby rescinded.

[SEC. 763. None of the funds provided by this Act shall be used to pay salaries and expenses and other costs associated with implementing or administering section 508(e)(3) of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the 2006 reinsurance year.

[SEC. 764. None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under section 801 of the Federal Food, Drug, and Cosmetic Act to prevent an individual not in the business of importing a prescription drug within the meaning of section 801(g) of such Act, wholesalers, or pharmacists from importing a prescription drug which complies with sections 501, 502, and 505.

[SEC. 765. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch

agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

[SEC. 766. In addition to other amounts appropriated or otherwise made available by this Act, there is hereby appropriated to the Secretary of Agriculture \$7,000,000, of which not to exceed 5 percent may be available for administrative expenses, to remain available until expended, to make specialty crop block grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 7 U.S.C. 1621 note).

[SEC. 767. It is the sense of Congress that the Secretary of Agriculture should use the transfer authority provided by section 442 of the Plant Protection Act (7 U.S.C. 7772) to implement the strategic plan developed by the Animal and Plant Health Inspection Service for the eradication of Emerald Ash Borer in the States of Michigan, Ohio, and Indiana.

[SEC. 768. None of the funds made available in this Act may be used—

[(1) to grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act for any voting member of an advisory committee or panel of the Food and Drug Administration; or

[(2) to make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

[SEC. 769. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603) or under the guidelines issued under section 903 the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104-127).

[SEC. 770. None of the funds made available by this Act to the Secretary of Agriculture may be used, after December 31, 2005, to purchase chickens, including chicken products, under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, unless the Secretary shall take into account whether such purchases are in compliance with standards relating to the wholesomeness of food for human consumption, pursuant to section 14(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(d)).

[This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006".]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, \$5,127,000: Provided, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agri-

cultural Marketing Act of 1946 (7 U.S.C. 1622g), \$10,539,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, \$14,524,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, \$8,298,000.

HOMELAND SECURITY STAFF

For necessary expenses of the Homeland Security Staff, \$1,166,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$16,726,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and Rural Development mission areas for information technology, systems, and services, \$128,072,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915-16 and 40 U.S.C. 1421-28: Provided, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, \$5,874,000: Provided, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center: Provided further, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A-76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, \$821,000.

OFFICE OF CIVIL RIGHTS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Civil Rights, \$20,109,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, \$676,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, \$187,734,000, to remain available until expended, as follows: for payments to the General Services Administration and the Department of Homeland Security for building security, \$147,734,000, and for buildings operations and maintenance, \$40,000,000: Provided, That amounts which are made available for space rental and related costs for the

Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

HAZARDOUS MATERIALS MANAGEMENT (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), \$12,000,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION (INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$23,103,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS (INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,846,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, \$9,509,000: Provided, That not to exceed \$2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, \$81,045,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$40,263,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, \$598,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, \$78,549,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627 and 2204g, and other laws, \$145,159,000, of which up to \$29,115,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,109,981,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for headhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That the foregoing limitations shall not apply to the purchase of land at Florence, South Carolina: Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and pur-

chase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$160,645,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$652,231,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), \$178,707,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), \$22,205,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), \$37,477,000, of which \$1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), \$110,281,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), \$15,158,000; for competitive research grants (7 U.S.C. 450i(b)), \$190,000,000; for the support of animal health and disease programs (7 U.S.C. 3195), \$5,057,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$833,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), \$1,102,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), \$1,078,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), \$992,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$2,976,000, to remain available until expended (7 U.S.C. 2209b); for a higher education agrosecurity education program (7 U.S.C. 3351), \$750,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$5,456,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$990,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), \$5,600,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, \$3,472,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), \$992,000; for aquaculture grants (7 U.S.C. 3322), \$3,968,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$12,400,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University and West Virginia State University, \$12,312,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, \$2,232,000; and for necessary expenses of Research and Education Activities, \$38,193,000, of which \$2,424,000 for the Research, Education, and Economics Information System and \$1,928,000 for the Electronic Grants Information System, are to remain available until expended.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: Provided, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7

U.S.C. 301 note), \$12,000,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, \$453,438,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents, \$275,520,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$3,247,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$62,909,000; payments for the pest management program under section 3(d) of the Act, \$9,920,000; payments for the farm safety program under section 3(d) of the Act, \$4,563,000; payments for New Technologies for Ag Extension under Section 3(d) of the Act, \$2,000,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95-113 (7 U.S.C. 3222b), \$16,777,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, \$7,478,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$440,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), \$4,060,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, \$1,760,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$4,067,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92-419 (7 U.S.C. 2662(i)), \$1,965,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326 and 328) and Tuskegee University and West Virginia State University, \$33,643,000, of which \$1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, \$2,646,000; and for necessary expenses of Extension Activities, \$22,443,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$55,784,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), \$45,784,000, including \$12,867,000 for the water quality program, \$14,847,000 for the food safety program, \$4,167,000 for the regional pest management centers program, \$4,464,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, \$1,389,000 for the crops affected by Food Quality Protection Act implementation, \$3,106,000 for the methyl bromide transition program, and \$1,874,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, \$992,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89-106, as amended, \$744,000, to remain available until September 30, 2007 for the critical issues program, and \$1,334,000 for the regional rural development centers program; and \$10,000,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2007.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), \$5,888,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; \$724,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, \$807,768,000, of which \$4,140,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which \$39,900,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones; of which \$32,932,000 shall be available for a National Animal Identification program: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2006, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as author-

ized by 7 U.S.C. 428a, \$4,996,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, \$76,643,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$65,667,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$16,055,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$3,847,000, of which not less than \$2,500,000 shall be used to make a grant under this heading.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, \$38,443,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, \$602,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$836,818,000, of which no less than \$751,457,000 shall be available for Federal food safety inspection; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That no fewer than 63 full time equivalent positions above the fiscal year 2002 level shall be employed during fiscal year 2006 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That of the amount available under this heading, notwithstanding section 704 of this Act \$5,000,000, available until September 30, 2007, shall be obligated to include the Humane Animal Tracking System as part of the Field Automation and Information Management System following notification to the Committees on Appropriations, which shall include a detailed explanation of the components of such system: Provided further, That of the total amount made available under this heading, no less than \$20,653,000 shall be obligated for regulatory and scientific training: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, \$635,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, \$1,043,555,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), \$4,250,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 12400 of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), \$4,250,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy in-

demnity program, \$100,000, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$1,608,000,000, of which \$1,400,000,000 shall be for guaranteed loans and \$208,000,000 shall be for direct loans; operating loans, \$2,033,000,000, of which \$1,100,000,000 shall be for unsubsidized guaranteed loans, \$283,000,000 shall be for subsidized guaranteed loans and \$650,000,000 shall be for direct loans; Indian tribe land acquisition loans, \$2,000,000; and for boll weevil eradication program loans, \$100,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$17,370,000, of which \$6,720,000 shall be for guaranteed loans, and \$10,650,000 shall be for direct loans; operating loans, \$133,380,000, of which \$33,330,000 shall be for unsubsidized guaranteed loans, \$35,375,000 shall be for subsidized guaranteed loans, and \$64,675,000 shall be for direct loans; and Indian tribe land acquisition loans, \$80,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$317,137,000, of which \$309,137,000 shall be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), \$73,448,000: Provided, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit

Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, \$744,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses to carry out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$819,561,000, to remain available until expended, of which not less than \$11,000,000 is for snow survey and water forecasting, and not less than \$11,847,000 is for operation and establishment of the plant materials centers, and of which not less than \$28,156,000 shall be for the grazing lands conservation initiative: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance

with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), \$5,141,000.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, \$60,000,000, to remain available until expended; of which up to \$10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): Provided, That not to exceed \$27,199,000 of this appropriation shall be available for technical assistance: Provided further, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, \$27,313,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), \$51,228,000, to remain available until expended.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, \$635,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, \$705,106,000, to remain available until expended, of which \$86,770,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which \$528,115,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed \$496,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$992,000 shall be available for the rural utilities program described in section 306E of such Act; and of which \$90,221,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: Provided, That of the total amount appropriated in this account, \$26,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C

of such Act, of which \$4,464,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which \$250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, \$6,500,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; \$140,000 shall be made available to conduct a feasibility study; \$3,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading: Provided further, That of the amount appropriated for rural utilities programs, not to exceed \$25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; \$26,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to 2 percent available to administer the program and/or improve interagency coordination may be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”, of which \$100,000 shall be provided to develop a regional system for centralized billing, operation, and management of rural water and sewer utilities through regional cooperatives, of which 25 percent shall be provided for water and sewer projects in regional hubs, and the State of Alaska shall provide a 25 percent cost share, and grantees may use up to 5 percent of grant funds, not to exceed \$35,000 per community, for the completion of comprehensive community safe water plans; not to exceed \$18,250,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which \$5,600,000 shall be for Rural Community Assistance Programs and not less than \$850,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities; and not to exceed \$13,500,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed \$21,367,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which \$1,067,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which \$12,000,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which \$8,300,000 shall be for the rural business and cooperative development programs described in

section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, \$20,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with 5 percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated, \$28,000,000 shall be transferred to and merged with the “Rural Utilities Service, High Energy Cost Grants Account” to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the “Rural Utilities Service, High Energy Costs Grants Account”.

RURAL DEVELOPMENT SALARIES AND EXPENSES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$164,773,000: Provided, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: Provided further, That not more than \$10,000 may be expended to provide modest nonmonetary awards to non-USA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$4,927,581,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$1,000,000,000 shall be for direct loans, and of which \$3,681,033,000 shall be for unsubsidized guaranteed loans; \$35,000,000 for section 504 housing repair loans; \$90,000,000 for section 515 rental housing; \$100,000,000 for section 538 guaranteed multi-family housing loans; \$5,000,000 for section 524 site loans; \$11,500,000 for credit sales of acquired property, of which up to \$1,500,000 may be for multi-family credit sales; and \$5,048,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$154,800,000, of which \$113,900,000 shall be for direct loans, and of which \$40,900,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$10,238,000; repair, rehabilitation, and new construction of section 515 rental housing, \$41,292,000; section 538 multi-family housing guaranteed loans, \$5,420,000; multi-family credit sales of acquired property, \$681,000; section 523 self-help housing and development loans, \$52,000: Provided, That of the total amount appropriated in this paragraph, \$2,500,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That any funds under this paragraph initially allocated by the Secretary for housing projects in the State of Alaska that are not obligated by September 30,

2006, shall be carried over until September 30, 2007, and made available for such housing projects only in the State of Alaska.

For additional costs to conduct a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties, \$16,500,000, to remain available until expended: Provided, That funding made available under this heading shall be used to restructure existing section 515 loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances and incentives required by the Secretary.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$465,886,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$653,102,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, no less than \$8,976,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during the current fiscal year shall be funded for a four-year period: Provided further, That any unexpended balances remaining at the end of such four-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance that is recovered from projects that are subject to prepayment shall be deobligated and reallocated for vouchers and debt forgiveness or payments consistent with the requirements of this Act for purposes authorized under section 542 and section 502(c)(5)(D) of the Housing Act of 1949, as amended.

RURAL HOUSING VOUCHER PROGRAM

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, (without regard to section 542(b)), \$16,000,000, to remain available until expended: Provided, That such vouchers shall be available to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: Provided further, That the amount of the voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers, shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable for section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds).

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$34,000,000, to remain available until expended: Provided, That of the total amount appropriated, \$1,000,000 shall be available through June 30, 2005, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$43,976,000, to remain available until expended: Provided, That \$2,976,000 shall be made available for loans to private non-profit organizations, or such non-profit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: Provided further, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: Provided further, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: Provided further, That of the total amount appropriated, \$1,200,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$29,607,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$34,212,000.

For the cost of direct loans, \$14,718,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$1,724,000 shall be available through June 30, 2006, for Federally Recognized Native American Tribes and of which \$3,449,000 shall be available through June 30, 2006, for Mississippi Delta Region counties (as determined in accordance with Public Law 100-460): Provided, That of such amount made available, the Secretary may provide up to \$1,500,000 for the Delta Regional Authority (7 U.S.C. 1921 et seq.): Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, \$887,000 shall be available through June 30, 2006, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$6,656,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting

rural economic development and job creation projects, \$25,003,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$4,993,000, to remain available until expended.

Of the funds derived from interest on the cushion of credit payments in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, \$4,993,000 shall not be obligated and \$4,993,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$24,988,000, of which \$500,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which \$2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed \$1,488,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which \$15,500,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITY GRANTS

For grants in connection with second and third rounds of empowerment zones and enterprise communities, \$12,400,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277): Provided, That of the funds appropriated, \$1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106-554).

RENEWABLE ENERGY PROGRAM

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), \$23,000,000 for direct and guaranteed renewable energy loans and grants: Provided, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, \$100,000,000; municipal rate rural electric loans, \$100,000,000; loans made pursuant to section 306 of that Act, rural electric, \$2,700,000,000; Treasury rate direct electric loans, \$1,000,000,000; guaranteed underwriting loans pursuant to section 313A, \$1,500,000,000; 5 percent rural telecommunications loans, \$145,000,000; cost of money rural telecommunications loans, \$425,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$125,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric

loans, \$6,160,000, and the cost of telecommunications loans, \$212,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$39,933,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs.

For administrative expenses, including audits, necessary to continue to service existing loans, \$2,500,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND
BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, \$550,000,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$35,000,000, to remain available until expended: Provided, That \$10,000,000 shall be made available to convert analog to digital operation those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., \$11,825,000, to remain available until September 30, 2007: Provided, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, \$10,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD,
NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, \$599,000.

FOOD AND NUTRITION SERVICE
CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$12,412,027,000, to remain available through September 30, 2007, of which \$7,224,406,000 is hereby appropriated and \$5,187,621,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That up to \$5,235,000

shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$5,257,000,000, to remain available through September 30, 2007, of which such sums as are necessary to restore the contingency reserve to \$125,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: Provided, That of the total amount available, the Secretary shall obligate not less than \$15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): Provided further, That only the provisions of section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall be effective in 2006; including \$14,000,000 for the purposes specified in section 17(h)(10)(B)(i) and \$20,000,000 for the purposes specified in section 17(h)(10)(B)(ii): Provided further, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), \$40,711,395,000, of which \$3,000,000,000 to remain available through September 30, 2007, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPRI) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed \$4,000,000 shall be used to purchase bison meat for the FDPRI from Native American bison producers as well as from producer-owned cooperatives of bison ranchers: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: Provided further, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of

the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); The Emergency Food Assistance Act of 1983; special assistance (in a form determined by the Secretary of Agriculture) for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$179,935,000, to remain available through September 30, 2007: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2006 to support the Senior Farmers' Market Nutrition Program, as authorized by section 4402 of Public Law 107-171, such funds shall remain available through September 30, 2007: Provided further, That of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to \$10,000,000 for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, \$140,761,000, of which \$5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law.

TITLE V

FOREIGN ASSISTANCE AND RELATED
PROGRAMS

FOREIGN AGRICULTURAL SERVICE
SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$147,868,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD
FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, \$65,040,000, to remain available until expended: Provided, That the Secretary of Agriculture may implement a commodity monetization program under existing provisions of the Food for Progress Act of 1985 to provide no less than \$5,000,000 in local-currency funding support for rural electrification development overseas.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83-480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83-480 are utilized, \$3,385,000, of which \$168,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$3,217,000 may be transferred to and merged

with the appropriation for "Farm Service Agency, Salaries and Expenses".

**PUBLIC LAW 480 TITLE I OCEAN FREIGHT
DIFFERENTIAL GRANTS**

(INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, \$11,940,000, to remain available until expended: Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,150,000,000, to remain available until expended.

**COMMODITY CREDIT CORPORATION EXPORT LOANS
PROGRAM ACCOUNT**

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$5,279,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$3,440,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$1,839,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

McGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), \$100,000,000, to remain available until expended: Provided, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$1,841,959,000: Provided, That of the amount provided under this heading, \$305,332,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2007 but collected in fiscal year 2006; \$40,300,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall

be credited to this account and remain available until expended; and \$11,318,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2006, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2006 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) \$450,179,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$515,430,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) \$178,714,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$99,787,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$245,770,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$41,152,000 shall be for the National Center for Toxicological Research; (7) \$58,515,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration for rent; (8) \$134,853,000 shall be for payments to the General Services Administration for rent; and (9) \$117,559,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$7,000,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, \$98,386,000, including not to exceed \$3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$44,250,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships: Provided further, That up to an additional 5 percent of the amount of this limitation may be expended for expenses associated with unforeseen termination applications, upon a finding of extraordinary circumstances by the Federal Credit Administration Board.

TITLE VII

GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made

for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 320 passenger motor vehicles, of which 320 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Hereafter, funds appropriated by this or any other Act to the Department of Agriculture (excluding the Forest Service) shall be available for uniforms or allowances as authorized by law (5 U.S.C. 5901-5902).

SEC. 703. Hereafter, funds appropriated by this or any other Act to the Department of Agriculture (excluding the Forest Service) shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

SEC. 704. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, low pathogen avian influenza program, up to \$32,932,000 in animal health monitoring and surveillance for the animal identification system, up to \$2,993,000 in the emergency management systems program for the vaccine bank, up to \$1,000,000 for wildlife services methods development, up to \$1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education, and Economics Information System, and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 705. Hereafter, the Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this or any other Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Hereafter, not to exceed \$50,000 of the funds appropriated by this or any other Act to the Department of Agriculture (excluding the Forest Service) shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of

the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 710. Hereafter, loan levels provided in this or any other Act to the Department of Agriculture shall be considered estimates, not limitations.

SEC. 711. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Telephone Bank program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 712. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 713. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 714. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 715. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 716. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over \$25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 717. (a) Hereafter, none of the funds appropriated by this or any other Act to the agencies funded by this Act, or provided from accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) Hereafter, none of the funds appropriated by this or any other Act to the agencies funded by this Act, or provided from accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) Hereafter, the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 718. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105-185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 719. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2006 appropriations Act.

SEC. 720. None of the funds made available by this or any other Act may be used to close or relocate a State Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 721. In addition to amounts otherwise appropriated or made available by this Act, \$2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

SEC. 722. Hereafter, notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 723. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking "\$27,998,000" and inserting "\$29,998,000".

SEC. 724. Notwithstanding any other provision of law, and until receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider the City of Butte/Silverbow, Montana and the designated Census tract areas for the Upper Kanawha Valley Enterprise Community, rural areas for purposes of eligibility for rural development programs.

SEC. 725. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance through the Watershed and Flood Prevention Operations program for the Matanuska River erosion control project in Alaska, Little Otter Creek project in Missouri, the Manoa Watershed project in Hawaii, the West Tarkio project in Iowa, and the Coal Creek project in Utah.

SEC. 726. Hereafter, none of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriation Act.

SEC. 727. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 20 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 728. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 729. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 730. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd-7).

SEC. 731. Hereafter, agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 732. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107-171 (7 U.S.C. 2655).

SEC. 733. Hereafter, the Agricultural Marketing Service and the Grain Inspection, Packers and Stockyards Administration, that have statutory authority to purchase interest bearing investments outside of the Treasury, are not required to establish obligations and outlays for

those investments, provided those investments are insured by the Federal Deposit Insurance Corporation or are collateralized at the Federal Reserve with securities approved by the Federal Reserve, operating under the guidelines of the United States Department of the Treasury.

SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 150,000 acres in the calendar year 2006 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 735. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of \$1,017,000,000.

SEC. 736. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the \$23,000,000 made available by section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

SEC. 737. With the exception of funds provided in fiscal year 2003, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the \$50,000,000 made available by section 601(j)(1)(A) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)(A)).

SEC. 738. None of the funds made available in fiscal year 2006 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of \$20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 739. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the \$120,000,000 made available by section 6401(a) of Public Law 107-171.

SEC. 740. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 741. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2502 of Public Law 107-171 in excess of \$47,000,000.

SEC. 742. Of the unobligated balances available in the Special Supplemental Nutrition Program for Women, Infants, and Children reserve account, \$32,000,000 is hereby rescinded.

SEC. 743. Not more than \$10,000,000 for fiscal year 2006 of the funds appropriated or otherwise made available by this or any other Act shall be used to carry out section 6029 of Public Law 107-171.

SEC. 744. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a ground and surface water conservation program authorized by section 2301 of Public Law 107-171 in excess of \$51,000,000.

SEC. 745. None of the funds made available by this Act may be used to issue a final rule in fur-

therance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02-062-1; 68 Fed. Reg. 40541).

SEC. 746. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 747. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture may use appropriations available to the Secretary for activities authorized under sections 426-426c of title 7, United States Code, under this or any other Act, to enter into cooperative agreements, with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, to lease aircraft if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Animal and Plant Health Inspection Service, Wildlife Services; and (2) all parties will contribute resources to the accomplishment of these objectives; award of a cooperative agreement authorized by the Secretary may be made for an initial term not to exceed 5 years.

SEC. 748. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107-171 in excess of \$60,000,000.

SEC. 749. Hereafter, agencies and offices of the Department of Agriculture may utilize any available discretionary funds to cover the costs of preparing, or contracting for the preparation of, final agency decisions regarding complaints of discrimination in employment or program activities arising within such agencies and offices.

SEC. 750. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year, and are not available for new obligations.

SEC. 751. There is hereby appropriated \$1,500,000, to remain available until expended, for the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.

SEC. 752. Notwithstanding any other provision of law—

(1)(A) the Alaska Department of Community and Economic Development shall be eligible to receive a water and waste disposal grant under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) in an amount that is equal to not more than 75 percent of the total cost of providing water and sewer service to the proposed hospital in the Matanuska-Susitna Borough, Alaska; and

(B) the Alaska Department of Community and Economic Development shall be allowed to pass the grant funds through to the local government entity that will provide water and sewer service to the hospital;

(2) or any percentage of cost limitation in current law or regulations, the construction projects known as the Tri-Valley Community Center addition in Healy, Alaska; the Cold Climate Housing Research Center in Fairbanks, Alaska; and the University of Alaska-Fairbanks Allied Health Learning Center skill labs/classrooms shall be eligible to receive Community Facilities grants in amounts that are equal to not more than 75 percent of the total facility costs: Provided, That for the purposes of this paragraph, the Cold Climate Housing Research Center is designated an "essential community facility" for rural Alaska;

(3) for any fiscal year and hereafter, in the case of a high cost isolated rural area in Alaska that is not connected to a road system, the maximum level for the single family housing assistance shall be 150 percent of the median household income level in the nonmetropolitan areas of the State and 115 percent of all other eligible areas of the State;

(4)(A) the Natural Resources Conservation Service shall provide financial and technical assistance through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri; and

(B) the Natural Resources Conservation Service is authorized to provide 100 percent of the engineering assistance and 75 percent cost share for construction cost of the project; and

(5) any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under Section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 753. Hereafter, notwithstanding the provisions of the Consolidated Farm and Rural Development Act (including the associated regulations) governing the Community Facilities Program, the Secretary may allow all Community Facility Program facility borrowers and grantees to enter into contracts with not-for-profit third parties for services consistent with the requirements of the Program, grant, and/or loan: Provided, That the contracts protect the interests of the Government regarding cost, liability, maintenance, and administrative fees.

SEC. 754. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture is authorized to make funding and other assistance available through the emergency watershed protection program under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair and prevent damage to non-Federal land in watersheds that have been impaired by fires initiated by the Federal Government and shall waive cost sharing requirements for the funding and assistance.

SEC. 755. None of the funds provided in this Act may be used for salaries and expenses to carry out any regulation or rule insofar as it would make ineligible for enrollment in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) land that is planted to hardwood trees as of the date of enactment of this Act and was enrolled in the conservation reserve program under a contract that expired prior to calendar year 2002.

SEC. 756. None of the funds made available under this Act shall be available to pay the administrative expenses of a State agency that, after the date of enactment of this Act, authorizes any new for-profit vendor(s) to transact food instruments under the Special Supplemental Nutrition Program for Women, Infants, and Children if it is expected that more than 50 percent of the annual revenue of the vendor from the sale of food items will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is necessary to assure participant access to program benefits.

SEC. 757. The Secretary of Agriculture may use any unobligated carryover funds made available for any program administered by the Rural Utilities Service (not including funds made available under the heading "Rural Community Advancement Program" in any Act of appropriation) to carry out section 315 of the Rural Electrification Act of 1936 (7 U.S.C. 940e).

SEC. 758. There is hereby appropriated \$1,000,000, to remain available until expended, to carry out provisions of section 751 of division A of Public Law 108-7.

SEC. 759. There is hereby appropriated \$500,000 for a grant to Alaska Village Initiatives for the purpose of administering a private lands wildlife management program in Alaska.

SEC. 760. There is hereby appropriated \$2,250,000, to remain available until expended, for a grant to the Wisconsin Federation of Cooperatives for pilot Wisconsin-Minnesota health care cooperative purchasing alliances.

SEC. 761. Hereafter, notwithstanding any other provision of law, effective with funds made available in fiscal year 2004 to States administering the Child and Adult Care Food Program, for the purpose of conducting audits of participating institutions, funds identified by the Secretary as having been unused during the initial fiscal year of availability may be recovered and reallocated by the Secretary: Provided, That States may use the reallocated funds until expended for the purpose of conducting audits of participating institutions.

SEC. 762. The Secretary of Agriculture is authorized and directed to quitclaim to the City of Elkhart, Kansas, all rights, title and interests of the United States in that tract of land comprising 151.7 acres, more or less, located in Morton County, Kansas, and more specifically described in a deed dated March 11, 1958, from the United States of America to the City of Elkhart, State of Kansas, and filed of record April 4, 1958 at Book 34 at Page 520 in the office of the Registrar of Deeds of Morton County, Kansas.

SEC. 763. There is hereby appropriated \$5,000,000 to carry out the Healthy Forests Reserve Program authorized under Title V of Public Law 108-148 (16 U.S.C. 6571-6578).

SEC. 764. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

SEC. 765. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Biomass Research and Development Program in excess of \$12,000,000, as authorized by Public Law 106-224 (7 U.S.C. 7624 note).

SEC. 766. (a) **IN GENERAL.**—Subject to the limitations in this section and the provisions of the Federal Credit Reform Act of 1990, as amended, a borrower of a loan made by the Federal Financing Bank and guaranteed under this Act may request an extension of the final maturity of the outstanding principal balance of such loan or any loan advance thereunder. If the Secretary and the Federal Financing Bank approve such an extension, then the period of the existing guarantee shall also be considered extended.

(b) **LIMITATIONS.**—

(1) **FEASIBILITY AND SECURITY.**—Extensions under this section shall not be made unless the Secretary first finds and certifies that, after giving effect to the extension, in his judgment the security for all loans to the borrower made or guaranteed under this Act is reasonably adequate and that all such loans will be repaid within the time agreed.

(2) **EXTENSION OF USEFUL LIFE OF COLLATERAL.**—Extensions under this section shall not be granted unless the borrower first submits with its request either—

(A) Evidence satisfactory to the Secretary that a Federal or State agency with jurisdiction and expertise has made an official determination, such as through a licensing proceeding, extending the useful life of a generating plant or transmission line pledged as collateral to or beyond the new final maturity date being requested by the borrower, or

(B) A certificate from an independent licensed engineer concluding, on the basis of a thorough engineering analysis satisfactory to the Secretary, that the useful life of the generating plant or transmission line pledged as collateral

extends to or beyond the new final maturity date being requested by the borrower.

(3) **AMOUNT ELIGIBLE FOR EXTENSION.**—Extensions under this section shall not be granted if the principal balance extended exceeds the appraised value of the generating plant or transmission line referred to in subsection (2).

(4) **PERIOD OF EXTENSION.**—Extensions under this section shall in no case result in a final maturity greater than 55 years from the time of original disbursement and shall in no case result in a final maturity greater than the useful life of the plant.

(5) **NUMBER OF EXTENSIONS.**—Extensions under this section shall not be granted more than once per loan advance.

(c) **FEES.**—

(1) **IN GENERAL.**—A borrower that receives an extension under this section shall pay a fee to the Secretary which shall be credited to the Rural Electrification and Telecommunications Loans Program account. Such fees shall remain available without fiscal year limitation to pay the modification costs for extensions.

(2) **AMOUNT.**—The amount of the fee paid shall be equal to the modification cost, calculated in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, of such extension.

(3) **PAYMENT.**—The borrower shall pay the fee required under this section at the time the existing guarantee is extended by making a payment in the amount of the required fee.

SEC. 767. Notwithstanding any other provision of law, to provide for consistent regulation of consumer contact lenses, no funds appropriated in this or any other Act may be used in this and each fiscal year hereafter for the approval for sale in the United States of any contact lens produced by a manufacturer unless that manufacturer certifies that it does not discriminate in the distribution of, or restrict consumer access to, any contact lenses it produces, markets, distributes, or sells, and makes any such lenses available in a commercially reasonable and non-discriminatory manner directly to and generally within all alternative channels of distribution: Provided, That for the purposes of this section, the term “alternative channels of distribution” means any mail order company, Internet retailer, pharmacy, buying club, department store, mass merchandise outlet or other distribution alternative without regard to whether it is associated with a prescriber, and the term “manufacturer” means the manufacturer and its parents, subsidiaries, affiliates, successors and assigns.

SEC. 768. (a) **IN GENERAL.**—Hereafter, the Secretary of Health and Human Services, on behalf of the United States may, whenever the Secretary deems desirable, relinquish to the State of Arkansas all or part of the jurisdiction of the United States over the lands and properties encompassing the Jefferson Labs campus in the State of Arkansas that are under the supervision or control of the Secretary.

(b) **TERMS.**—Relinquishment of jurisdiction under this section may be accomplished, under terms and conditions that the Secretary deems advisable,

(1) by filing with the Governor of the State of Arkansas a notice of relinquishment to take effect upon acceptance thereof; or

(2) as the laws of such State may otherwise provide.

(c) **DEFINITION.**—In this section, the term “Jefferson Labs campus” means the lands and properties of the National Center for Toxicological Research and the Arkansas Regional Laboratory.

SEC. 769. Section 204(b)(3)(A) of the Child Nutrition and WIC Reauthorization Act of 2004 (118 Stat. 781; 42 U.S.C. 1751 note) is amended by striking “July 1, 2006” and inserting “October 1, 2005”.

SEC. 770. (a) Section 18(f)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(1)(B)) is amended—

(1) by striking “April 2004” and inserting “June 2005”; and

(2) in clause (ii), by striking “66.67” and inserting “75”.

(b) The amendments made by subsection (a) take effect on January 1, 2006.

SEC. 771. There is hereby appropriated \$1,250,000 to the National Agricultural Imagery Program to acquire one meter natural color digital ortho-imagery of the entire state of Utah.

SEC. 772. Notwithstanding any other provision of law, for eligibility to participate in the Environmental Quality Incentives Program (EQIP), a producer is deemed to have an interest in a farming or ranching operation whether the source of income for that operation is derived from crops or livestock owned by that producer, or owned by another and raised by that producer.

SEC. 773. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank, except in the event of liquidation or dissolution of the telephone bank during fiscal year 2006, pursuant to section 411 of the Rural Electrification Act of 1936, as amended, or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 774. There is hereby appropriated \$2,000,000 to carry out Section 120 of Public Law 108-265 in Utah and Wisconsin.

SEC. 775. There is hereby appropriated \$700,000 to provide administrative support for a world food hunger organization: Provided, That none of the funds may be used for a monetary award to an individual.

This Act may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006”.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent that all after the enacting clause be stricken; that the text of H.R. 2744, Calendar No. 141, the Senate committee-reported bill, be inserted in lieu thereof, considered as original text for the purpose of further amendments, and that no points of order be waived by reason of this agreement.

THE PRESIDING OFFICER. That order has been entered.

Mr. BENNETT. Mr. President, I am pleased to bring before the Senate for myself and the ranking member of the subcommittee, Senator KOHL, the fiscal year 2006 appropriations bill for Agriculture, Rural Development and related agencies. This bill contains the funding for the Department of Agriculture, the Food and Drug Administration, and the Commodity Futures Trading Commission. It also sets a limitation on the funding for the Farm Credit Administration, although no appropriated funds are provided for that agency.

The bill is at our 302(B) budget authority allocation of \$17.348 billion, and it is within our outlay allocation of \$18.816 billion. It is the product of more than 7 months’ examination of the administration’s budget proposal and

many requests from Senators and other stakeholders. It was approved unanimously by the subcommittee and the full committee and is the product of a completely bipartisan effort with contributions from Senators on both sides of the aisle.

Since I have been the chairman of this subcommittee, I have had the pleasure of working with Senator KOHL and his excellent staff and have learned a great deal from that experience. For the record, I thank them for the excellent and professional way in which they have helped us craft this bill. This is truly a bipartisan effort. There has been a minimum of difficulty and bickering. This is a tribute to Senator KOHL and the staff he has assembled on his side, as well as the staff that made themselves available to me. I express my gratitude to him and to all of the staffers involved; also, the members of the subcommittee and the full committee who have cooperated with us in producing the unanimous report at both levels.

We commonly refer to this as simply the "Ag appropriations bill," but it has a much wider impact on American citizens than just agriculture. The largest portion of the funding in this bill, whether discretionary or mandatory, goes to nutrition and feeding programs for mothers and children both in low-income groups and in senior citizens. We often think of the Agriculture appropriations bill entirely in terms of farmers, so I wish to make the point that this bill funds the feeding and nutrition program for those I have described.

It is also a consumer protection bill for food, drugs, and medical devices. It is an export promotion bill for our farmers and food manufacturers. It is a conservation and natural resources bill, and it is a bill to promote the economic development of rural America.

The budget authority allocation is \$516 million more than last year's level, which sounds good if one is looking for more spending. Last year, we had a \$406 million one-time saving that is not available this year. So when one nets those two numbers out, this bill is virtually identical to the previous allocation.

Also, we should note that the administration budget proposes \$177 million in user fees contingent on authorization, which was sent to the authorizing committee only 3 weeks ago and has not been considered. So those user fees also reduce the total amount of the bill. That is why I say in general terms, this bill is level funding of the previous year.

I should point out that the previous year was below the year before that. So at least as far as this subcommittee of the Appropriations Committee is concerned, we are not expanding the Federal budget or adding to the deficit by increasing every year. We are either going down or, at best, holding steady.

We do thank Chairman COCHRAN for the allocation that gives us the \$516

million more than that I talked about. Because of the other factors I have described, it is absolutely essential to keep us effectively holding steady.

At this time when we are concerned about homeland security, I will outline the homeland security increases that are in this bill. There is \$10 million for the National Agricultural Pest Information Systems; provides \$166.5 million for food defense activities at FDA. This is an increase of \$16.6 million over fiscal year 2005. In addition, the committee continues to fund FDA counterterrorism activities related to medical product countermeasures at \$57.2 million.

We provide \$13 million for the Food Emergency Response Network in USDA and FDA to integrate the Nation's food testing laboratories for the detection of threat agents in food at the local, State, and Federal levels. We fund the completion of the National Animal Disease Center. Those are the increases in the funding levels for terrorism.

Food safety, we have an increase of \$36.2 million, and this includes full funding for food inspection, BSE surveillance—BSE is the more appropriate name for what the press calls mad cow disease—as well as humane slaughter. As far as animal health programs are concerned, we provide full funding for BSE surveillance and an increase for the detection of low pathogenic avian influenza.

In the area of the research and education program, there is \$1.167 billion to support research, education, and extension activities at America's land grant colleges and universities. We have learned that is the backbone of research in agriculture, and that is why we continue to fund that particular area. We also fund 1890 institutions—those are the historically Black land grant colleges—as well as tribal colleges and schools of forestry.

There is approximately \$1.1 billion for the Agricultural Research Service, adding money for research in animal diseases, human nutrition, and food safety. Then there is \$59 million to complete funding for the National Animal Disease Center located in Ames, IA. This is a project that we have been involved in for some years, and with this appropriation it will finally be completed.

For the farm assistance programs, there is \$3.7 billion for farm loans; conservation programs, \$963 million for conservation and watershed activities; and in the area of rural development, we have \$454 million for water and waste water grants; \$5 billion for low-income housing; over \$1 billion in loans and grants for small rural businesses; \$6.2 billion for rural electrification and telecommunications loans; and \$550 million for broadband loans.

In the area of domestic food programs, WIC funding, Women and Infant Children, \$5.257 billion; and for food stamps, \$40.7 billion. These are very large numbers. This is the area I spoke of earlier where the bulk of the appro-

priations go, and for those who are concerned about these areas of nutrition for people in need, both funding levels provided will meet the expected caseload.

Foreign assistance, we have \$147.868 million; PL-480 title II funds, \$1.150 billion; and the McGovern-Dole program, \$100 million.

Now let us turn for just a moment to the Food and Drug Administration: FDA, \$1.841 billion; the medical device review is getting \$7.8 million above fiscal year 2005; counterterrorism food safety, \$16.6 million above fiscal year 2005; and drug safety, \$5 million above fiscal year 2005.

With respect to the limitations on mandatory programs where we have looked for savings, we have two goals: one, to do no serious harm and, No. 2, in whatever limitations are there, that they be fair. We believe we have met both of those goals.

This was the work of the subcommittee and the full committee in the normal course of events, and then, of course, Katrina came along. So I think it is appropriate that we make some comments about what may or may not be in this bill with respect to the hurricane disaster in the southern part of the United States.

This bill does not have provisions directly tied to that disaster, having been written before the disaster came along, but it does provide much of the resources USDA will need to help the victims of that disaster, resources that were built into the normal course of events. There is money for food stamps, WIC, and food safety, as I have described. There is conservation recovery and rural housing, as I have described. Many of the people who were hurt, particularly I believe in Mississippi, are going to be facing rural housing challenges. USDA can continue its very commendable efforts to assist those in need with the existing authorities as it has with the funds provided in this bill.

The States affected by Hurricane Katrina are all major beneficiaries of these programs. For that reason, I urge my colleagues to help us get this bill passed by the Senate as soon as possible. We should not deal with all of Katrina with supplemental funds when there are funds in the pipeline in the normal fashion that can be of assistance.

We have had a number of requests from Senators on both sides of the aisle regarding matters that came up after this bill was passed by the Appropriations Committee back in June. I and my staff and Senator KOHL and his staff are working on a managers' amendment to address these requests, and I will be offering that amendment later during the consideration of this bill.

I appreciate the attention of the Senate to this outline of where we are.

AMENDMENT NO. 1726

I send an amendment to the desk on behalf of myself and Senator KOHL.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for himself and Mr. KOHL, proposes an amendment numbered 1726.

Mr. BENNETT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 154, line 20, after "Iowa," insert the following:

"the Steeple Run and West Branch DuPage River Watershed projects in DuPage County, Illinois,"

On page 167, line 22, strike "(a)" through and including "required fee." on page 170, line 11, and insert the following:

"The Rural Electrification Act of 1936 is amended by inserting after section 315 (7 U.S.C. 940e) the following:

"SEC. 316. EXTENSION OF PERIOD OF EXISTING GUARANTEE.

"(a) IN GENERAL.—Subject to the limitations in this section and the provisions of the Federal Credit Reform Act of 1990, as amended, a borrower of a loan made by the Federal Financing Bank and guaranteed under this Act may request an extension of the final maturity of the outstanding principal balance of such loan or any loan advance thereunder. If the Secretary and the Federal Financing Bank approve such an extension, then the period of the existing guarantee shall also be considered extended.

"(b) LIMITATIONS.—

"(1) FEASIBILITY AND SECURITY.—Extensions under this section shall not be made unless the Secretary first finds and certifies that, after giving effect to the extension, in his judgment the security for all loans to the borrower made or guaranteed under this Act is reasonably adequate and that all such loans will be repaid within the time agreed.

"(2) EXTENSION OF USEFUL LIFE OF COLLATERAL.—Extensions under this section shall not be granted unless the borrower first submits with its request either—

"(A) evidence satisfactory to the Secretary that a Federal or State agency with jurisdiction and expertise has made an official determination, such as through a licensing proceeding, extending the useful life of a generating plant or transmission line pledged as collateral to or beyond the new final maturity date being requested by the borrower, or

"(B) a certificate from an independent licensed engineer concluding, on the basis of a thorough engineering analysis satisfactory to the Secretary, that the useful life of the generating plant or transmission line pledged as collateral extends to or beyond the new final maturity date being requested by the borrower.

"(3) AMOUNT ELIGIBLE FOR EXTENSION.—Extensions under this section shall not be granted if the principal balance extended exceeds the appraised value of the generating plant or transmission line referred to in subsection paragraph (2).

"(4) PERIOD OF EXTENSION.—Extensions under this section shall in no case result in a final maturity greater than 55 years from the time of original disbursement and shall in no case result in a final maturity greater than the useful life of the plant.

"(5) NUMBER OF EXTENSIONS.—Extensions under this section shall not be granted more than once per loan advance.

"(c) FEES.—

"(1) IN GENERAL.—A borrower that receives an extension under this section shall pay a fee to the Secretary which shall be credited

to the Rural Electrification and Telecommunications Loans Program account. Such fees shall remain available without fiscal year limitation to pay the modification costs for extensions.

"(2) AMOUNT.—The amount of the fee paid shall be equal to the modification cost, calculated in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, of such extension.

"(3) PAYMENT.—The borrower shall pay the fee required under this section at the time the existing guarantee is extended by making a payment in the amount of the required fee."

Mr. BENNETT. I am happy to yield to my ranking member, good friend, and full partner, Senator KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise today in support of the fiscal year 2006 appropriations bill for Agriculture, Rural Development, and Related Agencies. This year, the Agriculture Subcommittee received a budget allocation of \$17.3 billion, the first budget increase in several years. Along with our increased allocation, however, came increased spending requirements and critical priorities that, in the end, left us with essentially the same funding level as last year. Thanks in no small part to the hard work of Senator BENNETT and his staff, I believe we have put together a bill that all Senators should be able to support without hesitation.

Before I discuss the bill at hand, however, I believe we would be remiss to not express our deepest sympathies to all of those affected by Hurricane Katrina. It seems almost unfair to plan for a year ahead, knowing there are people still trying to figure out their next hours and days. We are aware that so much remains to be done to help these people, and while we do not include funding for specific items related to that disaster in this bill, we are working with USDA to ensure that immediate help in the form of food and housing is being provided, and will work to make sure that when a disaster supplemental is passed, all possible help that can be provided by the USDA and FDA will most certainly be included.

In the bill at hand, however, here are a few of the highlights.

With the recent discovery—the first of its kinds—of BSE resulting from a cow born in the United States, it is important to note that this bill fully funds the President's request for all mad cow disease prevention and detection activities within the Animal and Plant Health Inspection Service, the Food Safety and Inspection Service, and the Food and Drug Administration. This will allow USDA and FDA to continue enhanced inspections of cattle, and to work to ensure the continued prevention of BSE in this country.

Not to diminish the other important work of keeping our food and drug supply safe done by those agencies, I would like to point out that the Food Safety and Inspection Service received an increase of nearly \$20 million above

last year's level, which will provide for 7,690 food safety inspectors. The Food and Drug Administration received an increase of nearly \$35 million, including nearly \$17 million for counterterrorism activities, nearly \$8 million for increased medical device review, and \$5 million for increased drug safety activities.

The importance of the conservation and watershed programs cannot be overstated, especially in light of recent events. This bill provides \$963 million for the Natural Resources Conservation Service; \$820 million for conservation operations, \$5 million for watershed surveys and planning; \$60 million for watershed and flood prevention programs; \$27 million for the watershed rehabilitation program, and \$51 million for resource conservation and development.

In rural development, the bill provides adequate funding for programs to meet priority needs for rural communities including business development, water and waste assistance, affordable rural housing, electric, telephone and broadband connections, and essential community facilities. The bill also provides a safety net to preserve rural multi-family housing and prevent low-income rural residents from being displaced from Government financed rental housing projects due to recent market and legal developments.

For the WIC Program, the bill provides \$5.25 billion, an increase of nearly \$22 million from last year's level. Although this amount is less than what the administration originally requested, changes in participation and food cost estimates allowed these savings, and the amount provided ensures full access to this program using the most up-to-date estimates. This funding level is supported by the administration, as well as noted hunger advocacy groups, all of whom have worked with the committee in determining the proper and adequate WIC funding level. This amount includes a contingency reserve of \$125 million, \$20 million for improved computer systems, and \$15 million for breastfeeding support activities. Further, we did not include the President's proposals to limit Medicaid eligibility restrictions, nor lower the cap on nutrition services administrative funding. All other nutrition programs were funded at or above the President's request level, including \$40.7 billion for food stamps, \$12.4 billion for child nutrition programs, nearly \$109 million for the Commodity Supplemental Food Program, and \$140,000,000 for The Emergency Food Assistance Program.

This bill also does not neglect our responsibilities to help other countries. The Foreign Agricultural Service received an increase of \$11 million this year. The PL-480 program, which supplies U.S. commodities to fight hunger in other countries, is funded at \$1.15 billion, and the committee did not accept the administration's proposal to shift some of these funds to USAID.

The McGovern-Dole program, which provides food for impoverished schoolchildren in other countries, receives \$100 million.

Overall, as I have previously stated, we were able to do everything that everyone wanted us to do. However, I think that Senator BENNETT has done a good job in making sure that this bill addresses the most important needs that we have. I would like to thank him again, as well as Jon Ziolkowski, Fitz Elder, Hunter Moorhead, Dianne Preece, and Stacy McBride on his staff for their hard work and dedication. They exhibited professionalism and a strong work ethic throughout this entire process, and worked seamlessly with my staff, for which I am also thankful.

I strongly support this bill, and I encourage all Senators to vote in favor of it.

I look forward to debating and passing this bill on the Senate floor and moving one step further toward providing USDA and FDA funds for fiscal year 2006 in the regular order. I encourage all Senators with amendments to this bill to file them early and to work with Senator BENNETT and myself and our staffs to deal with any and all amendments that come up.

I yield the floor.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BENNETT. I ask unanimous consent the Senate now proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

OUR CONSTITUTION

Mr. CARPER. Mr. President, I rise to talk about the importance of our Constitution. In Delaware, we are reminded of that every year, at least once a year, on December 7, because that is Delaware Day. In Delaware, we celebrate on December 7, the day in 1787 when Delaware became the first State to ratify the Constitution. For one whole week, Delaware was the entire United States of America. After a week or so, we opened it up and let other States in, including South Carolina. For the most part, we have been pleased with the way things turned out.

This year, Constitution Day is going to be commemorated not just in Delaware on December 7 but across the

country on September 17. That will be Saturday. That is actually the day the Constitution was apparently signed back in 1787, up in Philadelphia.

If you visit the Senate today and all this week and you come into one of the galleries, if you walk in, they will give you a copy of the Constitution. Today I was bringing in some visitors, from Dover, DE, and I was given a copy of the Constitution with the amendments thereto. I was reminded that this commemoration of our Constitution for this Saturday was made possible by one of our colleagues in the Senate, ROBERT BYRD, who carries with him every day a copy of the Constitution a little bit smaller than this one. You have probably seen it, Mr. President. He pulls it out every now and then and waves it in our faces to remind us what it is all about. It is because of his love, really devotion, to the Constitution that we will be having a special commemoration on Saturday. I thank Senator BYRD for doing that.

I am a Delawarean who treasures what our Constitution does. It is the basic law of our land, the law on which all the other laws are built. The Constitution which is becoming the longest lived Constitution in the history of the world and the Constitution most replicated by every nation on Earth is the one we celebrate this Saturday.

I wish to take a couple of moments to share and remind us again how the Constitution is introduced. It starts off—many of us know these words. In fact, many of us as schoolchildren, and our children as well, had to learn the preamble to the Constitution, which reads as follows:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

"We the people," those three words encapsulate the very essence of what makes America so wonderful. By presenting a united front, our Founding Fathers told the world that they stood together when creating this great country. I believe we need to recapture their spirit of reconciliation and to focus our energies on healing the rift that has developed in our current political climate, a rift that goes back to the beginning of this administration, the previous administration, and, frankly, for some time before that.

We have seen how powerful America can be when all of our citizens unite to focus on a common goal. During this upcoming weekend, Saturday, September 17, I urge all Americans—not just my children who are in high school; not just other schoolchildren, but I urge all Americans from all walks of life to pause and contemplate principles that form the cornerstone of this great democracy of ours. By understanding our past, I believe we can navigate toward a better future and

truly honor the philosophy and spirit of our Founding Fathers.

The first 10 amendments to the Constitution are called the Bill of Rights. They lay out some of the liberties that we take for granted, but people in other places around the world would love to have these liberties. They do not and maybe they never will. I hope they will.

But our Constitution has, among other liberties, the freedom to bear arms. It has the right to say what is on our mind. In fact, there are newspapers, television stations, our radio stations—all of us enjoy freedom of speech. People can vote for whomever they want. If they like the job we are doing, they can reelect us; if they don't, they can throw us out and put somebody else in these seats. They can run for the job themselves.

They have a right to a jury by their peers. They have a right to be protected from unlawful searches without an order of a judge. There are all kinds of protections in our Constitution.

There is one given a little attention here lately, given a decision by a district court judge out in California. The question it raises is in the press of late, in the last 24 or 48 hours—again, I might add—the question of whether or not the Pledge of Allegiance to our flag, where we say "one nation under God," is indeed constitutional.

I would have us go back to the beginning of our Nation's history, when we were born as a nation. I would have us remember, when the first President, George Washington, was sworn into office and they finished the ceremony—I think it was in New York City—they didn't break up and go off to a bunch of inaugural balls. As I recall, they went to church.

Several years before that when they were up in Philadelphia and were trying to hammer out the Constitution itself, whenever they got into an especially difficult place, they would sometimes call a halt to what they were doing and pray about it. They actually began a lot of their sessions with prayers, much as we begin our session in the Senate and over at the House of Representatives.

The folks who gathered up in Philadelphia all those years ago did not want to have a State religion. They didn't want to have a "Church of America." They didn't want to have our version of the Church of England. They wrote that in the Constitution, literally in the first amendment. This is the way the first amendment starts:

Congress shall make no law respecting an establishment of religion.

If we go over the copy of the Constitution that we shared with the folks coming into the Senate today as visitors, we read the language alongside the raw language of the amendment and it says these words:

The first amendment protects religious freedom by prohibiting the establishment of an official or exclusive church or sect.

I am not a lawyer, certainly not a constitutional lawyer. But I think I

can read. When I read literally the words of the Constitution, I believe what our Founding Fathers were trying to do is to make sure we don't establish in this country a church that somehow is sanctioned by the Government. They just didn't want to go there. Seeing what happened in some other countries, they didn't want to have any part of that.

Having said that, our Founding Fathers were a religious people. They were people of faith, and they drew on their faith, frankly, in drawing up this document and trying to resolve their differences in reaching the core on this Constitution.

The Pledge of Allegiance, I don't believe, existed when those folks were working on the Constitution. In fact, the words "under God" were only added, I believe, in 1954, some 51 years ago. I would ask, given the reliance on faith and people calling on their faith in 1787 when drafting the Constitution, how would they feel about a Pledge of Allegiance that said, "one nation under God"? My guess is they would feel pretty good about it. Rather than saying that we ought to strike that language "under God," they would probably say we ought to keep that in, and I would have to agree with them.

We will hear more about this issue going forward, I am sure. Hopefully, when we do, we will think back not just about the Constitution and what the words actually say in the first amendment, but we will also think back to the way people comported themselves and how they drew on their faith in 1787 as they wrestled with drafting this document and coming to consensus on this document. I think they would want the words "one nation, under God" to be in the Pledge of Allegiance if we were to have one.

We have all said it hundreds, probably thousands, of times. I think we got it right in 1954, and I think we ought to leave it that way.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from South Carolina.

PLEDGE OF ALLEGIANCE

Mr. DEMINT. Mr. President, I appreciate the Senator from Delaware speaking about our Constitution and religious freedoms because I would like to follow up on his remarks. This week, Americans watching the confirmation hearings of Judge John Roberts witnessed something unique about his character, something we had seen before but that is now undeniable—his humility. I believe humility is a virtue that we should all feel as Americans. We should be humble in light of the blessings that we have in this great country, humble in light of the courage of our Founders, and humble in light of the wisdom of the drafters of the Constitution.

This country was founded on religious freedom by our Founding Fathers, many of whom were deeply reli-

gious. They wanted to create a place where they could worship without fear of persecution. Unfortunately, the Federal district court declared yesterday that the phrase "under God" in our Pledge of Allegiance was unconstitutional. This is deeply troublesome and is no less irrational than it would be to declare the Constitution itself unconstitutional.

The ruling by the Federal court in California is yet another example of the hostility by many activist judges toward a time-honored tradition. This tradition has been defended by numerous Justices, including Justice O'Connor, who said that eliminating such references would sever ties to a history that sustains this Nation even today.

The Pledge of Allegiance began in 1892 as a patriotic exercise, expressing loyalty to our Nation. It is a part of an American tapestry of time-honored and historically significant traditions that have come under attack in this country. By international standards, we are a young country. Yet we seem so quick and so willing to throw out parts of our heritage that our Founders recognized as important. "One nation under God" is no more the establishment or endorsement of religion than our national motto, "in God we trust," which is here above our door and above the Speaker's chair on the other side of the Capitol; or the phrase "God bless America," the closing words often used by the President when making public comments or speeches.

The Declaration of Independence states that our rights are inalienable for one reason, because we are endowed by our creator with these rights. All of our references to God are the ways the Government properly and constitutionally acknowledges our religious heritage.

We are a great nation, but we are also one nation under God. We are filled with people who know how fortunate we are and how different our lives could be elsewhere.

This is why it is important that we are reminded and that our children are reminded to be humble. Reciting that the United States is one nation under God is a statement of humility, a way of acknowledging that even as a world superpower, we recognize there is something bigger than we are, that our freedoms in this country come from God—not from Government. If we expel God from our public life, and if we lose humility that comes with the belief in a creator, our children and grandchildren will inherit an arrogant nation that has little hope for the future.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered.

CHURCH AND STATE

Mr. BENNETT. Mr. President, I have followed with interest the remarks of the Senator from Delaware about the Founding Fathers. Like him, I am unburdened with a legal education, but like him I believe I can read the English language, and that I have spent some time studying not only the Constitution but the history behind it. In the spirit of the remarks that have been made here, I add a few comments of my own.

It is very clear to me from studying the history of the first amendment that the primary concern of the Founders was to prevent the creation of State churches in the various States. There was never any movement to have a national church, but there were movements on the part of some of the individual States to have State churches. One of the reasons for the fact that there was not a national movement was that different States were dominated by different religions.

For example, the Puritans who came to what became the State of Massachusetts came to flee persecution they found in Europe. Then once they had established their colony in Massachusetts, they proceeded to persecute those who didn't agree with them. One of them, Roger Williams, went over to found what is now the State of Rhode Island, and created in Rhode Island a bastion of religious liberty about which the Senator from Rhode Island instructed a group of us at noon today. I found his presentation to be very interesting and worthwhile.

So a national religion covering all 13 States united in the United States of America was never in the cards. But there were some who felt that individual States might adopt a State church in that particular State, in one particular State or another. The Founding Fathers in the first amendment made it clear that there must not be a State church in any of the individual States. That was the driving force behind the words in the first amendment.

There are those in today's society who read the first amendment and its prescription of freedom of religion to mean that the Government should guarantee everyone freedom from religion, that the Government should vigorously put down any reference to religion that takes place in the public square.

I think that is a misreading of the Founders' intention, and I think that particular notion is behind the recent court ruling that has given rise to the speeches we have heard here on the floor.

I want to make one other observation about this, as long as I have the floor. America is known as a religious country. As I travel abroad and deal with some of our European friends, I find many of them to be perplexed by that. Indeed, one religious commentator said to me that if you are religious in Europe, you will be treated with disdain.

Europe has now entered its post-Christian era.

That is a very interesting statement, to think that Europe went through a pre-Christian era, then a Christian era, and now it is in a post-Christian period.

When you go throughout the great cities of Europe and look at the many churches, you find that most of them have been turned into concert halls, or tourist attractions, and they are not used for religious purposes anymore.

So why is Europe turning away from religion where America remains a strongly religious nation? I am sure there are many reasons, but the one that strikes me as cogent is the fact that we have never had a State church here in America. That means religions in America have had to compete for adherence in the public square on the basis of their doctrine, on the basis of their humanity and compassion, on the basis of their attractiveness to those who might want to affiliate with them, whereas in Europe you are required by law to join a particular church in a particular country.

When the government and the church become intertwined together in that fashion, even to the point where the government provides funds for the church, that makes it unnecessary for the church to appeal to its adherents sufficiently that they will support it out of their own pocketbook, you get a corruption of both.

It was very interesting to me to travel to Russia after the Soviet Union collapsed and spend some time talking with Russian officials about this very issue. The Russian Parliament had passed an act which I believed was violative of the notion of freedom of religion and I went over to visit with them to talk to them about it.

After having visits with members of the Duma as well as members of the Yeltsin administration and their justice department, I was assured they would lean on the concept of freedom of religion and that the law would not be used in any way to persecute certain religions that had come in from outside, once the Iron Curtain was over and religions were made welcome there.

But the interesting conversation out of all of that in the context of what I am saying here came from some individuals who were talking about the role of the Russian Orthodox Church in Russian life. After the fall of the Soviet Union, the Russians were making an effort to identify themselves once again as something other than Communists, trying to figure out who they were, asking the fundamental question: What does it mean to be a Russian? Of course, the members of the Russian Orthodox Church hierarchy said being a member of the Russian Orthodox Church is important to being a Russian, but they also said we do not want to be a State church again. We have been there, and we know how debilitating it is for the church to have gov-

ernment involvement in our affairs and to have government financing our affairs.

As we have this debate over the words that go into the pledge—a debate that I think will ultimately be settled in the courts one way or the other, and if the precedent is as it has been, the words “under God” will be retained in the pledge—let us take the occasion to remember why we have such religious strength in this country. It is the fact that we have had freedom of religion, and we have had different denominations competing in the public square for their various adherents and not depending upon the Government for funding or direction, unlike many of the countries in Europe.

America is not in its post-Christian era the way Europe is, and, ironically, I think one of the reasons is because America has never had a government dictation of what that would mean, what religion ought to be. But again, even as we celebrate freedom of religion, I hope we don't go so far as to have Government dictate freedom from religion and tell us that we must in some way or other, however subtle, persecute people of faith.

I had the honor of receiving an honorary degree at one of our universities, and the commencement speaker was the Catholic bishop of the area served by that university. He made the point that he respects, and it is required by our Constitution to respect, all of those who disagree with him and have made the choice not to worship anyone. But he said, I only ask in return that they extend to me the same respect for the fact that I have chosen to worship and that they do not use Government affairs to persecute me for having chosen to believe, just as I say we must not use Government agencies to persecute those who have chosen not to believe.

I yield the floor.

Mr. TALENT. Mr. President, I am here today to discuss a resolution, strongly disapproving of the recent decision by the U.S. District Court for the Eastern District of California that the Pledge of Allegiance is unconstitutional. I am hopeful that the Senate will pass this resolution later today.

The Pledge of Allegiance is a record of American values and history and the words of the Pledge still resonate in the convictions of Americans today.

For more than 50 years, the Pledge of Allegiance has included references to the flag, to our country having been established as a union “under God,” and to this country being dedicated to securing “liberty and justice for all.” The Senate believes, as recognized in a resolution passed unanimously in 2003, that the Pledge is a fully constitutional expression of patriotism.

However, some of our courts have either no respect for or understanding of these American traditions.

Several years ago—June 26, 2002—in what has become an infamous case, the Ninth Circuit Court of Appeals in San

Francisco ruled the Pledge of Allegiance to be unconstitutional when recited voluntarily because it uses the phrase “one nation under God.”

On June 14, the Supreme Court at least temporarily preserved the phrase “one nation under God,” in the Pledge of Allegiance, ruling that the plaintiff could not challenge the patriotic oath because he did not have standing in the case. This procedural ruling did not directly address whether the pledge recited by generations of American schoolchildren is constitutional. It left the Pledge vulnerable to another challenge.

Not unsurprisingly, on January 3, 2005, the same plaintiff and four others filed a second suit in the Eastern District of California challenging again the words “under God” in the Pledge.

Yesterday, the Eastern District of California refused to dismiss the case, holding instead that the Ninth Circuit's ruling in 2002—that the words “under God” were unconstitutional—was still good law. The effect of the court's ruling is that the Pledge has been deemed unconstitutional in three Sacramento-area school districts. This issue will likely be appealed to the Ninth Circuit again.

We are a nation of many faiths and beliefs. Tolerance for dissent is one of our great American values. But so is our common conviction that America is a nation that seeks the will and enjoys the protection of Divine Providence. The fact that some might disagree with that conviction is not a reason to deprive the rest of us of our right to affirm it in the Pledge.

I hope this body will join me in expressing support for the constitutionality of the Pledge of Allegiance by passing this resolution that the Senate strongly disapproves of yesterday's decision by the U.S. District Court for the Eastern District of California.

The PRESIDING OFFICER. The Senator from Illinois.

HURRICANE KATRINA

Mr. DURBIN. Mr. President, in a few hours President Bush will speak to our Nation about Hurricane Katrina, a catastrophe that has devastated the gulf coast and left all Americans deeply shaken.

For nearly a week, the entire world watched in horror as tens of thousands of American citizens trapped by the floodwaters pleaded for rescue, for food, water, and medicine. This didn't happen only in New Orleans. It happened in Slidell, in Jefferson Parish, in Pass Christian, LA, in Biloxi and Gulfport, MS, and countless other communities along the gulf coast. The devastation was so widespread.

We watched in stunned disbelief—hard to imagine that we were viewing our country, our neighbors as a great American city was turned into a toxic lake by a disaster that had been predicted for years. We saw families clinging desperately to roofs, pleading

to be rescued. People died trapped in the attics of their homes. Sick and elderly American citizens died, abandoned, in nursing homes. Babies died in their mothers' arms. Bodies floated in rivers and decomposed in plain view. The images we saw didn't even look like America. They looked like some foreign land. Yet we knew it was our America.

We don't have any idea how many lives Katrina claimed. The numbers may reach hundreds, maybe thousands. We do know that Katrina was the greatest natural disaster America has ever experienced. One million of our fellow Americans have been displaced from their homes by this hurricane. Many lost their homes, their jobs, their communities, everything they owned. They are scattered today across America, living in emergency shelters, living with families and friends, and living with compassionate strangers. Many still don't know what has become of their family members, or whether they even survived.

A short time ago, our leader, Senator HARRY REID of Nevada, and Congresswoman PELOSI of California from the other Chamber, spoke about what they hoped to hear the President say tonight. I want to take a few minutes to talk about what I—and I believe many Americans—hope to hear from the President this evening.

First, let me tell you what I hope the President will not say. I hope the President's message to America is not divisive and ideological. Some are counseling the President to pursue that course. The lead editorial in this morning's Wall Street Journal gives you a sense of what those words may be like. It tells the President to "get back on the political and intellectual offensive" as if we are in some kind of a political campaign here when it comes to dealing with this great tragedy.

The solutions the Wall Street Journal proposes for New Orleans and the gulf coast are all out of the "Ownership Society" notebook—vouchers for health care and education, tax credits, no sense of community, no sense of shared purpose. Remember the motto of this "Ownership Society" that we hear from the Wall Street Journal. Their motto is to remember that we are all in this alone. But America knows better. That tone, those solutions, we have heard them so many times. When in doubt, the Wall Street Journal camp and those who follow it attack the liberals, the trial lawyers, anyone with different ideas.

Then, their ultimate universal solution for every catastrophe, every challenge and every problem: cut taxes on the rich. That is a cliché that will not work. It is a program that has failed. It is one that we shouldn't turn to.

For the good of America, it is time to stop attacking these perceived political enemies and start attacking the real problems: incompetence, cronyism, poor planning, poverty, inadequate health care and housing, and overwhelmed schools.

What do we need in America? What do we need from the President? Two words: unity and community.

Two days ago, President Bush said he takes personal responsibility for the Federal Government's disastrous response to Hurricane Katrina. The Governor of Louisiana said the same thing yesterday. So be it. They have accepted responsibility.

We need to know what happened. We need to know where we failed. But the finger-pointing should end as of today.

I commend the President for acknowledging that the buck stops at the Oval Office. Harry Truman had that famous sign on his desk: "The buck stops here." And the President, with his acknowledgment, said as much 2 days ago.

But responsibility is a word. What we need is accountability. Americans are united in our desire to help our fellow citizens, who have lost so much in this disaster, rebuild their lives and rebuild communities. It is in our national interest. More important, it is part of our national character. Americans do not turn their backs on their neighbors.

We want answers about the future of the gulf coast. But we also want and deserve answers as to how this catastrophe unfolded—not to point fingers of blame but to make sure we understand the shortcomings of government at a moment when America needed it the most.

Something terrible happened on the gulf coast. Government at all levels failed. The most basic test of government is to protect its people. Instead, we had unnecessary death, destruction, suffering, and loss. How could it happen in America?

After the London subway bombings in July, we called for increased spending for rail security in this country. There was a vote on it, but the administration said no. They said rail security was the responsibility of State and local governments.

In an interview with the Associated Press, Secretary Chertoff of the Department of Homeland Security explained that he could not focus on every threat. Then he said something which I am sure he regrets:

The truth of the matter is, a fully loaded airplane with jet fuel, a commercial airliner, has the capacity to kill 3,000 people. A bomb in a subway car may kill 30 people.

I am certain the Secretary would like to be able to retract those words. Then he said:

When you start to think about your priorities, you're going to think about making sure you don't have a catastrophic thing first.

Those are the words of Secretary Chertoff after the London subway bombing. Those were his words 6 weeks before Hurricane Katrina.

We are committed to the future of New Orleans and the gulf coast. But the American people also want to know what happened before and after Katrina hit. Why were we not prepared

for such a catastrophe? How could our government at all levels have been so unprepared to respond? What did Congress do wrong? What did the Senate do wrong? What did each agency of government do wrong? What has been done with the billions of dollars we have spent on disaster preparedness since September 11?

We have created a new agency, and we have brought new agencies from other parts of the government under that roof. We have tried to make it leaner and meaner and more effective. Yet when tested with Hurricane Katrina, it failed.

If our government can't save us from a disaster that has been predicted for years—from a blip on the radar which was seen 48 hours before it caused any destruction in the gulf area how will this government save us from a terrorist attack with no warning whatever?

Asking those questions is not "playing the blame game." It is accountability. It puts a responsibility on my shoulders as a minority Member of the Senate as much as any other Member of the Senate.

Hurricane Katrina has shaken our faith in our ability of the government to protect us. The only way to restore it is to get down to the bottom line and ask the hard questions.

You may recall after September 11 there was a suggestion that we have an independent nonpartisan commission to analyze what went wrong. Why didn't our intelligence agencies gather the information to warn us in advance? There was resistance to that idea from the White House. Yet we pressed forward. And the motivating force behind it was not only popular opinion but the surviving families of those who died on September 11. Those husbands and wives and extended family members came together and forced the creation of the 9/11 Commission.

We need another commission. We need an independent, nonpartisan commission in the mode and style of the 9/11 Commission. The force behind it should be the same: families coming together—those who have lost loved ones, those who have lost their homes and lost their communities—to demand of this government accountability at all levels: legislative, executive, local, State, and Federal.

It is regrettable; we had a chance to do this yesterday. Senator HILLARY CLINTON of New York, who certainly understands the disaster of September 11, as does her colleague, Senator SCHUMER, said let's put together this Katrina commission, this independent, nonpartisan commission. Unfortunately, it failed on a party-line vote yesterday in the Senate.

But that is not the end of the story. We will be back. We will be back with this commission proposal until we clearly do have an independent commission we can trust to analyze the situation.

Wouldn't it be great tonight if the President, on national television, says

he now understands we need a Katrina commission? And that it should be independent and nonpartisan, just like the 9/11 Commission? That would be a great way to start.

There will be an independent inquiry into Hurricane Katrina because the American people will demand it.

I hope the President tonight will announce that he supports a bill that Republican chairman SUSAN COLLINS of Maine, and Democrat Senator JOE LIEBERMAN of Connecticut have introduced to increase Federal funding for the special inspector general that monitors reconstruction in Iraq so that office can also oversee spending on Hurricane Katrina relief and reconstruction.

The Katrina reconstruction effort will be the most ambitious Federal investment effort since the New Deal, the largest-ever Federal expenditure on a natural disaster. The special inspector general has the expertise and infrastructure in place now to monitor the billions of dollars of Federal funds that will be needed and make sure the taxpayers' dollars are not wasted.

FEMA has never had a sum of money like \$60 billion. Trust me, having seen government at work for many years, you have to get up to speed and you have to have accountability or money will be wasted. Victims will not be helped when they should be.

In addition, Senators OBAMA, CARPER, and COBURN have proposed their own idea, a creation of a chief financial officer to monitor financial management of the departments involved in Katrina reconstruction. I encourage the President to endorse this proposal, as well.

We know that the \$62 billion in emergency funds Congress has already approved for Katrina over the last two weeks is a down payment. We're told that the President tonight will ask for another \$50 billion, and the final cost of this catastrophe could reach \$200 billion—more than we have spent in 3 years in Iraq to date.

Already we have heard troubling reports about contracts being awarded for Katrina work. Listen to this headline from Monday's Wall Street Journal:

No Bid Contracts Win Katrina Work. White House Uses Practices Criticized in Iraq Rebuilding for Hurricane-Related Jobs.

That is a very disappointing headline. To think we would go down the same path of waste and abuse we have seen in Iraq now in our own country with Hurricane Katrina is unacceptable.

The lead in the story says:

The Bush Administration is importing many of the contracting practices blamed for spending abuses in Iraq as it begins the largest and costliest rebuilding effort in United States history.

This was printed in the Wall Street Journal in their news. It is not some political document. It is their analysis. The story says:

The first large-scale contracts awarded to Hurricane Katrina, as in Iraq, were awarded

without competitive building, using so-called 'cost-plus' provisions that guarantee contractors certain profits regardless of how much they spend.

The article quotes a contracting expert at George Washington University Law School who says:

You can easily compare FEMA's internal resources to what you saw in the early days of the Coalition Provisional Authority in Iraq: A small, underfunded organization taking on a Herculean task under tremendous time pressure. This is almost by definition a recipe for disaster.

Last week, the President signed an Executive order to cut the pay for construction workers on Katrina reconstruction projects. Think about that for a second.

First, the wage scales in the South and Louisiana and Mississippi, in particular, are very low anyway. Imagine you were a construction worker and your home or community was devastated by Katrina. You are now trying to put your life and your family back together. You say to your family, "the good news is I do construction work and, boy, we will need a lot of that."

The first thing the White House announces, "we will cut that worker's pay." So the first thing we do for the workers who have lost their homes and lived through the devastation of Hurricane Katrina is to give them a smaller paycheck. Already, the wage scales are low in this part of the country. The White House wants to cut them to even lower levels.

The Executive order waives the Davis-Bacon law of 1931. Interestingly enough, it is a provision in the law that is supported by management as well as labor to make certain that you have skilled and qualified workers building buildings and bridges and communities that will last and not fall apart.

Construction workers in New Orleans earn an average of \$10.31 an hour, which is 25 percent below the national average already. They are paid so low now they cannot afford what many workers can buy across America. Now President Bush wants to pay these workers, many of whom have to rebuild their homes and their lives from scratch, he wants to pay them even less. And the White House reportedly is going to do the same thing for service workers on Katrina construction projects.

The first decision the President makes about Katrina reconstruction is to order a pay cut for workers who are trying desperately to rebuild their lives and support their families.

But not everyone is being asked to sacrifice. Joe Allbaugh was President Bush's campaign manager in the year 2000. From there he became Director of FEMA under the President. Then he hired his old college roommate, Mike Brown, a familiar name to most Americans.

Today, Mr. Allbaugh has left the Federal Government. He is a lobbyist. One of his clients, a company called the Shaw Group, has already received two

\$100 million no-bid contracts for Katrina work—one from the Army Corps of Engineers to pump flood water out of New Orleans, and the other from FEMA for construction and management for emergency housing for Katrina victims.

The Shaw Group has updated its Web site, and it reads "Hurricane Recovery Projects—Apply Here!"

Now, another one of Mr. Allbaugh's clients, Kellogg, Brown & Root Services, a subsidiary of—you guessed it—Halliburton, formally headed by Vice President CHENEY, is doing repair work at Navy facilities in Mississippi damaged by Katrina. It received the contract for that work despite the fact that the Pentagon auditors have questioned hundreds of millions of dollars in charges for their work in Iraq. The same companies under investigation for ripping off taxpayers in Iraq are being awarded no-bid contracts for Katrina.

The President would serve the Nation well tonight if he says that we are going to put an end to this daisy chain of favorable contracts to old friends. It would be better if he would say that we are going to focus on making sure that taxpayers get the most for the money that is being spent on this reconstruction, and also that we are going to help the displaced workers in the region first—not well-connected private contractors. We want to make certain those workers struggling to put their lives back together are the highest priority for Katrina reconstruction work.

If workers need the training to take on the jobs, they should get it. They should be paid a decent wage for their labor, not a dime less.

State and local governments should receive priority over private contractors. And when private contractors are used for Katrina cleanup and reconstruction, we need strict oversight for every single dollar.

Katrina is a national tragedy. It shouldn't be an opportunity for profiteering.

There are other things we hope to hear from the President.

Yesterday, the cochairman of the independent September 11 Commission released a report showing most of its important recommendations still have not been implemented 4 years after September 11.

According to Gov. Tom Kean, the Republican Governor of New Jersey who was chair of this Commission:

The same mistakes made on September 11 were made over again [in Hurricane Katrina], in some cases even worse.

Americans want to hear from their President how their Government intends to ensure that we are as protected as we can be from terrorist attacks, natural disasters, and other potential catastrophes, such as nuclear accidents and disease outbreaks, we are going to get it right.

Americans want to know that the National Guard has what it needs to respond to emergencies at home.

I asked a question the other day of the Secretary of Defense. I am not sure he was happy with it. But I asked him: How far can we stretch the National Guard? In my State, 70 percent of the National Guard men and women have already served in Iraq or are currently serving there.

Now, of those who have come home, 1 out of every 10 are headed to the gulf coast. Many of them returned from Iraq a few months ago. They were getting reacquainted with their families and rebuilding their lives, taking care of their homes and undertaking new responsibilities in their communities, new jobs.

Now, with that spirit of voluntarism, they have stepped forward. But the obvious question is: How many times can we ask the National Guard to rise to this national challenge? How are we going to meet the recruiting goals when we are asking so much of these men and women?

Guardsmen, Coast Guard members, and so many others have been the heroes of Hurricane Katrina. They have saved thousands and thousands of lives, at great risk. But the Guard's efforts were hampered by the fact that 3,000 Guard members from Louisiana and 4,000 from Mississippi were in Iraq, with their equipment, their humvees, their trucks, their helicopters.

The Army National Guard was woefully underequipped before the Iraq war started. It had only 75 percent of the equipment it needed. Today, more than half of the National Guard's equipment is either overseas or in need of major repair.

Now, we are watching Hurricane Ophelia off the coast of North Carolina. We pray it will not cause anywhere near the damage that it might. But we are positioning emergency personnel and the National Guard to respond.

Time and time and time again, we turn to our National Guard men and women. The obvious question is: How often can we ask them to perform this heroism? I think that is a legitimate question to ask this administration. When disaster strikes, the Guard is forced to move its people and equipment from farther away. As it does, it takes precious time and delays response.

The Guard estimates its equipment needs at \$14 billion today to upgrade the equipment of the National Guard to where it needs to be. The President's budget recommendation, is it \$14 billion for National Guard equipment? It is \$1 billion. So we are not preparing homeland security by equipping the National Guard with what they need today.

National Guard members do not lack for courage or commitment. They lack for equipment. The President should tell the American people tonight that he plans to ensure that the National Guard has what it needs to protect us at home.

Let me move to another issue that is affecting families and businesses across

America. The average price of gasoline today is \$1.40 higher than it was 4 years ago; for a gallon of gas, \$1.40 more. Oil companies are announcing record profits. According to the Boston Herald, ExxonMobil is set to announce \$10 billion in profits this quarter, after almost \$8 billion in profits for the last quarter. They are making \$110 million a day, and you know it because when you fill up your gas tank, you take a look at what you are paying. This money, frankly, is far in excess of what you should have to pay. These companies have had more in profits and more in net income than any companies in recent history in our country.

In Illinois, and across America, families have opened up their wallets for the victims of Hurricane Katrina. They should not have their pockets picked by a group of greedy oil companies.

Tonight, America wants to hear from President Bush the steps he is going to take to protect America's families and businesses from unfair price gouging by oil companies. I certainly hope the President is willing to take them on. What steps will the President support to develop alternative fuels so we can reduce our dependence on foreign oil? What can our Nation do to make certain we do not have to walk hand in hand with Saudi sheiks begging them for their oil for our economy? I hope the President will address that this evening.

Americans also want to hear President Bush explain how we are going to pay for the reconstruction of the gulf coast without shortchanging important national priorities and without burying our children and grandchildren in debt.

In the 1990s, under President Clinton, we eliminated the Federal deficit. The Government was running a surplus. And we were actually paying down the national debt so our kids' mortgage, our national mortgage would be lower.

In the last 4 years, under President Bush's watch, our national debt has increased by \$3 trillion. That is a 50-percent increase in the cumulative debt of America's entire history—50 percent under President Bush.

The Federal Government has to borrow \$2 billion every morning just to keep operating. Some are predicting the cost of Hurricane Katrina could push the deficit up to \$400 billion this year. We are looking at a flood of red ink this year and for years to come.

Yet, incredibly, there are those who think our top priority now should be cutting taxes for wealthy Americans. Imagine, no President in our history ever, of any administration, has cut taxes in the midst of a war.

This President continues to cut taxes as our deficits reach historic levels. And now, with Hurricane Katrina, we still hear Republicans on the other side of the aisle saying: Well, we have to give a tax break to the wealthiest Americans by eliminating the estate tax.

Accountability means responsibility. It means leadership. Tonight, when the

President speaks to the Nation, he should announce he will refuse to sign any bill eliminating the estate tax or any other tax cut that provides a windfall for the very wealthiest among us, until we provide it for the neediest among us, the victims of Hurricane Katrina.

Let me conclude by reminding my colleagues of a statement of Bill Cohen. Bill is a former Republican Senator from Maine and former Secretary of Defense under President Clinton. Here is what he said. This is "the Cohen Rule":

Government is the enemy—until you need a friend.

The other day I read a variation of this rule. It was said by Senator TRENT LOTT, who is viewed as a very conservative Republican in this Chamber. Here is what Senator TRENT LOTT said:

You're a fiscal conservative—until you get hit with a natural disaster.

In addition to houses and lives, one of the things swept away by Hurricane Katrina for many Americans was the myth of this "ownership society," which we have heard from the most conservative think tanks in Washington and from this administration. That is the point of view that says that less Government is always better, and we are all better off when we watch out for ourselves and our own families only and don't worry about the other guy.

For many of the victims of Hurricane Katrina, the only thing less Government meant was less protection. What Americans need is not necessarily less Government, but smarter Government. We need a Government that is strong enough to protect us overseas and protect us at home, a Government rooted in the most basic American moral values, a tradition that goes back to the earliest days of our Nation: banding together in times of need, to do for each other what none of us can do alone—using our common wealth for the common good.

Americans want a Government that says: We are all in this together, not: We are all in this alone.

We have seen so much heroism from so many people during Hurricane Katrina. We have seen the overwhelming kindness of Americans toward the survivors, the overwhelming, spontaneous outpouring of contributions from people across America—from the major corporations with their millions of dollars to the kids on the corner selling lemonade—all of them trying to do their part to help their neighbors, the most vulnerable in America, the victims of Hurricane Katrina.

America is yearning for a leadership and a leader that will speak to that spirit of unity and community. We will listen closely tonight for it.

The "ownership society" is not the right answer—it never was. Nor is using this national tragedy to try to divide Americans a good idea, when we yearn to be drawn together, not pulled apart.

We understand there are some challenges so enormous that none of us acting alone can meet them. We believe in sharing our blessings and our burdens. We believe in shared sacrifice.

There was a story in the Washington Post last weekend, the headline was "The Nation's Castaways." It was a story about some of the people who were left behind to fend for themselves in New Orleans when the floods came.

The reporter described a man who felt so guilty about the pita bread, water, and juice that he looted from a Wal-Mart to feed his family that he kept a list, so he can pay it back later. "I feel like an American again," the man said on TV after help finally began to arrive. "I thought my country had abandoned me."

Government at all levels failed during Hurricane Katrina, and tens of thousands of Americans were left with that same terrible fear—that their country had abandoned them. But we know from experience that when Americans pull together, we can overcome any obstacle. We have done it so many times in our history.

The urgent task facing the President tonight, and facing every leader in Government, facing every Senator, including this Senator, is to show the American people, not just in words but with actions, that we will not allow this tragedy to be repeated.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Minnesota.

Mr. DAYTON. Mr. President, I have come to the floor to join with the distinguished assistant Democratic leader in his conscientious and continuing concern for the victims of Hurricane Katrina.

I have seen the Senator from Illinois on the floor day after day, raising these questions, addressing these concerns. I understand tomorrow the Senator is going to New Orleans to tour the area personally, with Senate leadership, to see what needs to be done there to address the human suffering. I hear in his voice, and know from his longstanding commitment to the people of Illinois, the depth of his own heartfelt concern for their problems and his passion for their suffering and to do what we can, what we must, to address those problems.

I look forward to hearing from the Senator next week, after his return from New Orleans and that area, as to what we can do more effectively—all of us as leaders in the Senate, all of us working together, all of us as Americans, not as Democrats or Republicans, not as partisans but as patriots—on behalf of all the people in need.

I share his concern. What prompted me to come to the floor is I heard the Senator speaking about some of the difficulties in getting some of the necessary information in order to perform our responsibilities as Senators. I share that frustration, or at least let me express my own frustration because as a member of the Senate Committee on

Homeland Security and Governmental Affairs which has, under the Senate's organizing resolution, the responsibility and the authority to oversee the Department of Homeland Security as well as FEMA, the Federal Emergency Management Agency, which is under that agency, I have been confounded and enormously dismayed by the unwillingness of the Senate Republican leadership to permit that committee to do what it is responsible to do, which is to hold oversight hearings and to understand what is happening, what is not happening down in that flood-ravaged part of the country, and also to find out what must be done not to look at just failures—also, you hear about successes—not to point fingers of blame, but to exercise our oversight responsibility, particularly given that we have now, this body, at the President's request, appropriated almost \$63 billion of taxpayers' money to address these critical emergency needs.

I do not question the need to act quickly. And we have done so. But to deliver that much money—Federal taxpayers' dollars—to the responsible agencies without any oversight, without any questions asked or answers provided about what is being done with that money, and particularly to hear the Senator from Illinois describe published reports of sole-source contracting with organizations that have political connections with the President's former campaign manager, I find it to be shocking and appalling we have not exercised that responsibility.

I would ask the leader, and others responsible for these decisions, about when we will be holding public hearings in that committee to authorize our proceeding to do so with those who are directly responsible for the recovery efforts.

None of us wants to disrupt the recovery efforts in the southern part of the country. Lord knows, they have been disrupted enough already by what has failed to be done there, without any involvement by any of us. But I find it perplexing that Cabinet secretaries who have enough time to appear on Sunday talk shows and who are also clearly not in Louisiana or Mississippi day and night, 7 days and nights a week around the clock, have, while they are here in Washington, not a single hour available to appear before our committee in a public setting and answer the questions I have, that I know other members of the committee have, and that the American people have. We deserve—most importantly, the American people deserve—answers to these important questions.

Yesterday, we had, after now 2½ weeks since those levees failed in New Orleans, the very first public hearing of this committee. We had a former Governor of California, a former mayor of Grand Forks, ND, a couple of other wonderful former public servants who have expertise from their own past experiences, but not a single one of the people on that panel had any responsi-

bility for the public response to Hurricane Katrina. Similarly, not a single person with public responsibility for that response was willing to appear on that committee.

It was 9 days ago that we had before a number of us Senators 10 Cabinet secretaries, the Chairman of the Joint Chiefs of Staff, and the head of the National Guard to brief us on the situation right here in the Capitol, but they were not willing to appear in a public setting, even though there was not a single word spoken in that briefing that could not and should not have been witnessed and heard by the American people.

A week ago we had the Director of Operations for FEMA and the Deputy Commandant of the Coast Guard appear before the Committee on Homeland Security and Governmental Affairs, but they would not appear in a public setting. The briefing was behind closed doors. The public and press could not witness what they had to say. We have not yet, on this committee or any other committee that I am aware of—certainly none on which I serve, including Armed Services—had a single administration official willing to appear before us in a public setting and provide us with the information we desire, to allow us to ask questions and to provide answers in front of the committee and the American people. I find that unacceptable.

Again, I urge the Republican leadership of the Senate to authorize that committee to proceed as we are responsible to do, to join us and members of the committee, insist that the administration provide us their top officials. When they are not in New Orleans or Mississippi, when they are here in Washington, come up for an hour, an hour once, to begin with. Keep each of those Cabinet secretaries who were present 9 days ago, ask each one of them to come up and tell us in a public setting what their agency is doing to respond, what do they need from us, whether it is funding, legislation, removal of regulations, restrictions—tell us what you need from us in order to be more responsive and more effective in the Federal response to the emergency that persists. Come before us in a public setting, as public officials, as those who are responsible for the Federal response. Let us ask the questions we must to fulfill our oversight responsibilities, and let's start providing some public answers to the American people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTITUTION DAY

Mr. FRIST. Mr. President, on Saturday, the Nation will observe the 218th anniversary of the signing of the U.S. Constitution.

In previous years, September 17 has been designated "Citizenship Day"—a day on which all Americans were encouraged to pay special attention to the rights and responsibilities of citizenship.

This year, for the first time, we celebrate September 17 as "Constitution Day and Citizenship Day." This special focus on the Constitution came about as a result of an initiative sponsored by our senior colleague from West Virginia. The Consolidated Appropriations Act for Fiscal 2005 provides that each educational institution receiving Federal funds during a fiscal year will conduct a program of its own devising on the Constitution. Also, each Federal department and agency, in connection with this special day, will make available educational materials on the Constitution for its employees.

Today, we have placed on the desk of each Senator two documents. The first is an annotated copy of the Constitution. The second contains the record of the 1787 constitutional convention as pertains to the powers and responsibilities of the United States Senate. In the spirit of this first Constitution Day, I hope all my colleagues will take the time to examine both of these fundamental documents.

HISPANIC HERITAGE MONTH

Mr. DURBIN. Mr. President, I rise today to honor the work and achievements of Hispanic Americans. Every year since 1968 Americans have formally recognized the importance of Hispanic heritage and the contributions of Latino members of society. Hispanic Heritage Month allows the Nation's 41 million Latinos, along with all Americans, to celebrate Latino community and culture.

As the fastest growing population in America, Hispanics have the potential to significantly impact society through their hard work, commitment to faith and closely-knit families. Aida Gianchello is one of the Latina Americans who are changing the world. Aida founded the Midwest Latino Health Research, Training and Policy Center at the University of Chicago at Illinois. From this Center, Aida works within the Latino community and with the public health network to address health problems that disproportionately affect Latinos, including life-

threatening diabetes, asthma and hypertension.

This morning, I had the pleasure of meeting three women from Illinois about to graduate from the National Hispana Leadership Institute. Juanita Irizarry is the executive director of Latinos United, a housing policy and advocacy organization in the Chicago area. Eva Serrano is director of community and school partnerships at Aurora University. Elena Tijerina is a partner at Lucent Technologies. These are powerful women, already participating in civic, business and community affairs, moving forward in leadership. We are lucky to have them in Illinois.

I also must mention my friend Al Galvan. Al is a veteran of World War II and the founder of the first Hispanic organization for Hispanic American veterans. The Illinois Hispanic Chamber of Commerce recently bestowed its life-time achievement award on Al Galvan.

Despite the remarkable accomplishments of many Hispanic leaders, Hispanic Americans still face daunting challenges, including the 14 million who do not have health coverage, as well as dangerously low levels of income. But they are rising to face these challenges—the rate of minority enrollment in post-secondary institutions continues to grow, as does the number of small businesses owned by Latinos. Leaders are recognizing the problems faced particularly by Latinos and are offering specific solutions. Aida Gianchello led the charge to serve struggling neighborhoods in Chicago by setting up three diabetes-focused self-care centers which each reach about a thousand residents a month, many undocumented and uninsured.

Individual efforts, like those of the Illinois leaders I have mentioned here today, make me proud to acknowledge the work and achievements of Latinos throughout Illinois and the country. It is only with the continued dedication and appropriate appreciation of Hispanic Heritage that the Latino culture will grow and thrive in America.

LOCAL LAW ENFORCEMENT
ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July 1, 2005, a man was beaten outside his home in Destin, FL. According to police, the apparent motivation for the attack was that the man was gay.

I would note that yesterday in the House, hate crimes legislation was

passed in a bipartisan vote. I strongly believe that we must also move similar legislation in the Senate. In the months ahead I look forward to working with Senator KENNEDY as we continue our work in passing a hate crimes bill.

HONORING OUR ARMED FORCES

ARTHUR RAY MCGILL

Mrs. LINCOLN. Mr. President, today I rise with a heavy heart to honor the life of SGT Arthur Ray McGill. It is the story of a carefree and loving young man from northwest Arkansas, who was devoted to his family and always put them above all else. It is also the story of a trustworthy and brave soldier, who honorably served his Nation in uniform, and ultimately gave his life in the name of freedom.

Sergeant McGill spent most of his childhood in the small Arkansas town of Decatur. Those who knew him best would describe him as a quiet and patient young man who was always considerate of others and treated them with respect. He attended Decatur High School and although he left after his 10th grade year, he went on to earn his general educational development diploma at the age of 17. Soon after, he joined the Arkansas National Guard, where he would serve for 6 years prior to enlisting in the U.S. Army in November of 2002.

In his free time, "Ray" or "Big Country," as he was known to friends and family, had a love for archery and could often be found playing video games or reading the comic books of his favorite superhero, Spiderman. But above all, his greatest love was his family, particularly his 7-year old daughter Kaylee. Her welfare was her father's greatest concern, and she knew that he could always be counted on to protect and care for her as best he could.

Sergeant McGill reported for duty in January of 2003 and was deployed for service in Operation Iraqi Freedom. He was one of the soldiers in the initial waves of American troops into Baghdad, and served in the area until that August. Sergeant McGill returned to Iraq in January of 2005. In explaining his decision to reenlist for a second tour of duty to his loved ones, Sergeant McGill spoke of his feeling of being needed in Iraq, and that he was simply doing his part and was proud to do so. He would also speak of his future after the Army, when he hoped to study criminal justice, buy a home, and become a member of the U.S. Border Patrol in New Mexico.

Throughout his military service, Sergeant McGill's hard work and dependability quickly earned him the respect and loyalty of his fellow soldiers. They even began calling him "Tizzley," a combination of a teddy bear and a grizzly, which aptly described the 6'6" soldier who had a heart of gold. Though the comradeship with his fellow soldiers grew, Sergeant McGill was still a

world away from his family and they were never far from his mind. While in Iraq, he had a habit of sending gifts and money back home to provide for them and spoke to them often by phone or through instant messenger on his computer. To make him feel a little closer to home, he also brought a CD-ROM to Iraq, which he spent a good deal of his free time enjoying; it contained over 500 issues of "The Amazing Spiderman" and was never far from his side.

Tragically, Sergeant McGill was killed on July 19 when a roadside bomb exploded near his vehicle while he was patrolling through the streets of Baghdad. Back in Arkansas, friends and family came to show their respects and bid farewell to their fallen soldier, as his flag-draped coffin was buried at Fayetteville National Cemetery. Kaylee, who had been the love of her father's life, was presented with an American flag and her father's dog tags, as well as the Bronze Star and Purple Heart he had earned through his courageous service to our Nation.

Although her father may no longer be with us, I am hopeful that these items will forever remind her of the courageous and honorable way he lived his life. Words cannot adequately express the sorrow felt in the hearts of the family and loved ones of Arthur Ray McGill, but I pray they can find solace knowing that his spirit will forever live on in the examples he set and the many lives he touched.

HURRICANE KATRINA

Mr. DOMENICI. Mr. President, I rise to address Hurricane Katrina—what we have been doing and what we should do next. Much has been said on this floor about good, and bad, responses to Hurricane Katrina.

This morning I would like to reflect on the good responses. I would like to mention a few stories of self-sacrifice and generosity made by some people from my home State of New Mexico. A team from Sandia National Laboratory's and Los Alamos National Laboratory's National Infrastructure Simulation Analysis Center is helping to determine the impact of Hurricane Katrina on electric power infrastructure and oil and gas infrastructure. The Office of Naval Research deployed an Expeditionary Unit for Water Purification from Alamogordo to create potable water from brackish water in Mississippi. Evacuees have been welcomed to our State. In one of the many shows of financial generosity by New Mexicans, the Sandia Pueblo has donated \$1 million to the American Red Cross. As another example, earlier this month two Dona Ana County Commissioners plan to donate their salaries for the rest of this year, totaling almost \$12,000, to Katrina victims.

Many law enforcement officers, firefighters, and other first responders from across the country are aiding in recovery efforts. One such group is

from Bernalillo County, NM. The Bernalillo County Sheriff's Office and Fire Department sent 43 individuals to New Orleans, including 3 civilians and my good friend Darren White, who is the Sheriff in Bernalillo County. The Bernalillo County team spent several days on airboats, searching for survivors. At one point, the Sheriff was thrown from the boat into the toxic floodwaters covering New Orleans. He was sent to a decontamination center, but the experience did not deter him from his mission. Instead, he stayed in New Orleans to continue helping with the team's rescue efforts, which saved more than 200 people. Stories like this make me extremely proud of New Mexico's brave law officers.

The list does not end there. The New Mexico Disaster Medical Assistance Team provided medical care in Louisiana. Task Force New Mexico, made up of 412 National Guardsmen, is helping a Louisiana parish get back on its feet. New Mexico Task Force One, an elite search and rescue team, assisted in recovery efforts. This team may sound familiar because New Mexico Task Force One was sent to the Pentagon following the September 11 attacks to help with rescue and recovery efforts there.

Finally, I would like to quote a September 12, 2005 USA Today news clipping I found particularly striking. A "disaster response director for the San Juan County Red Cross watched as two young boys from Farmington emptied their piggy banks . . . the boys were determined to send their money, \$32 total, to victims of Hurricane Katrina." The parents of these two Farmington, New Mexico boys should be very, very proud of their sons. I certainly am.

This, of course, is not an exhaustive list of New Mexico's contributions to Hurricane Katrina relief efforts, and I know that these stories are not unique to my home State. Many people across the country have responded with similar acts of courage and kindness. I would like to take this opportunity to say thank you to all of the people from New Mexico and from across the country who are helping with Katrina relief and recovery efforts.

I would also like to mention a few of the many Federal actions taken in response to Hurricane Katrina. Mr. President, 50,000 people have been rescued, and 53 million liters of water and 22 million meals have been distributed. U.S. military personnel, Federal law enforcement officers, and other Federal employees have gone to the gulf coast to help people like Sheriff White with rescue, recovery, and security efforts. Federal agencies have provided millions of dollars in grants for emergency energy assistance, agricultural aid, Head Start programs, and job creation. The Federal Government has done much more, including appropriating more than \$62 billion in emergency funding for the gulf coast region.

It should be noted that these billions of dollars are being provided for imme-

diate needs; the monies do not include funds for any long term rehabilitation or reconstruction projects along the gulf coast. However, such sums will be needed soon, as we face the most difficult long-term situation that America has ever confronted on her own soil. Rehabilitating and reconstructing the Gulf Coast will take several years and several billions of dollars. I believe the proper way to organize and coordinate these efforts is by creating an office that will work with leadership in the affected area to coordinate Federal, State, and local actions and report on reconstruction efforts.

I am not asserting that control should be taken away from the States and cities that were directly impacted by Katrina. Nor am I advocating that this person should play any role in reviewing the local, State and Federal responses to Katrina or in recommending any policy changes that may need to be made because of those responses.

However, I do believe we need someone who can oversee the numerous Federal projects and Federal funds that will be associated with the rebuilding efforts.

Creating such an office is not without precedence. I was here in 1972 when the Mid-Atlantic States were flooded by rainfall from Tropical Storm Agnes. These floods caused the costliest natural disaster in U.S. history at the time. President Nixon had the foresight to appoint Frank Carlucci, his Deputy Director of the Office of Management and Budget, to serve as his "personal representative" to the disaster area created by Agnes. Mr. Carlucci coordinated the multistate, multi-agency rebuilding efforts associated with Tropical Storm Agnes.

I believe that a similar office is needed now to oversee the long-term, multi-state rebuilding efforts associated with Katrina, and I have urged President Bush to create such an office by Executive Order. We are facing an important time in this country, and we must carefully choose how to proceed. I am convinced that the creation of a central office to coordinate the gulf coast rehabilitation is the proper way to move forward.

BACK TO SCHOOL AND THE NO CHILD LEFT BEHIND ACT

Mr. FEINGOLD. Mr. President, students, teachers, and school personnel across Wisconsin and around the country are settling in for a new school year. Regrettably, thousands of students and teachers in the hurricane-ravaged gulf coast region have no schools to which they can return. According to the Louisiana Department of Education, schools in six parishes have been destroyed or are too damaged to reopen, and more than 240,000 students from that State alone have been displaced as a result. The Federal Department of Education estimates

that a total of more than 370,000 students across the region have been displaced, and many of them will have to spend the entire school year attending a different school.

I commend the school districts around the region and around the country, including in Wisconsin, that have opened their doors to students who have been displaced as a result of Hurricane Katrina and the ongoing devastation left in her wake. While the start of the school year usually means getting new school supplies, renewing friendships that may have lapsed over the summer months, and embarking on new courses of study, for the students displaced by Katrina, starting school may be the first step in restoring a sense of routine and a small measure of normalcy. Many of these students are separated from family members and friends and from familiar teachers, counselors, coaches, and other school personnel as they begin classes in another district or in another State. We should make every effort to assist the schools that are welcoming them with open arms as they work to make this transition as smooth as possible.

For these reasons, last week I sent a letter to the Secretary of Education, which I am pleased was cosigned by the senior Senator from Illinois, Mr. DURBIN, asking that the administration request dedicated education funding for schools in the affected areas and for the States and school districts that are enrolling these displaced students. Our letter also requested that the Secretary use her statutory authority to waive for 1 year the accountability provisions in the No Child Left Behind Act for the schools in the affected areas and for the school districts that are enrolling the displaced students.

Hurricane Katrina and its aftermath also remind us of the importance of the availability of school counselors, psychologists, and social workers. These personnel work with teachers, administrators, and parents to ensure that students have the resources and tools they need to meet the challenges of the classroom and of everyday life. In times of great stress or disaster, such as a hurricane, these professionals are even more important as they help students cope with the tragedy that they and their loved ones and friends—or family members or friends who lived in the affected area—are experiencing.

This natural disaster underscores the need to provide adequate resources to ensure that schools have the ability to recruit and retain school counselors, psychologists, and social workers in numbers that are appropriate to meet the needs of their students. I share the concern expressed by so many around my State that tight budget constraints and new Federal mandates are forcing school districts to make the difficult decision to cut some of these important positions. And many of those districts that are able to maintain these positions are unable to hire enough counselors, psychologists, and social

workers to meet the recommended student to professional ratios for those positions. I will talk more about the importance of providing promised Federal funding for education programs later in my statement, but I just wanted to touch on this issue here.

As we witness the concerted effort by so many local school districts and States to provide education for students displaced by Hurricane Katrina, we are reminded that throughout our Nation's history, the education of our children has been viewed as a largely local and state responsibility, and the Federal Government has wisely left decisions affecting our children's day-to-day classroom experiences up to the schools, districts, school boards, and State education agencies that bear the responsibility for—and most of the cost of—educating our children. Historically, when the Federal Government has stepped in, it has been to ensure that children receive an equal opportunity for a good education by protecting the rights of all children and by providing additional resources for schools and for such related activities as teacher training.

The Federal Government has a long history of supporting local and State governments in their effort to provide a high quality public education for each child. And we have such an opportunity now to support local efforts by providing funding to the states and school districts that have been affected by Hurricane Katrina. I support such efforts, which rightly respect the importance of maintaining local control of education. For that reason, I opposed the No Child Left Behind Act, NCLB, which the President touts as one of his top domestic achievements, going so far as to call it “the most important Federal education reform in history.” I respectfully disagree with the President's assessment of this law, the effects of which are beginning to reverberate throughout Wisconsin and throughout the country.

As I travel around Wisconsin each year to host listening sessions in each of our 72 counties, I hear time and again from frustrated teachers, administrators, parents, and others about the negative effect that NCLB is having on education in Wisconsin. And the people of Wisconsin are not alone in their concern about the consequences of this law. A recent article in the *St. Petersburg Times* notes that “[i]t's not unusual for states to chafe at federal rules. But the state revolt against the federal law that filled America's classrooms with standardized tests is unprecedented. Forty-seven states are questioning, opposing, or rebelling against the most sweeping education reform in a generation.”

In Utah, for example, the State legislature passed and the Governor signed into law a bill that clarifies that State education policy has precedence over Federal education laws. Colorado is allowing individual school districts to “opt out” of NCLB. And the State of

Connecticut recently filed a lawsuit in Federal court that argues that the law is illegal because it constitutes an unfunded Federal mandate on States and school districts. The National Education Association had previously joined with a number of local affiliates and school districts from around the country in filing a similar lawsuit.

It is important to note that the Department of Education has made some effort to provide flexibility on some areas of this law in response to a flood of requests from States and school districts around the country. But this flexibility has been narrow in scope and has largely ignored the central concerns of States and school districts, including insufficient Federal resources to help schools comply with the law and the likelihood that no State or district—now matter how great their efforts or their educational progress—will be able to keep up with the law's ambitious accountability provisions, including the well-intentioned yet almost wholly unachievable requirement that all students be proficient in reading and math by the 2013–2014 school year.

While I think we all agree that schools should be held accountable for results, I and many Wisconsinites oppose the testing-centered mandates in the NCLB. I support some aspects of this law, such as increased funding for title I and for afterschool programs. I opposed this legislation, however, because it takes decisions regarding the frequency of testing out of the hands of local school districts. As educators, students, and parents across the country know all too well, this law mandates that students be tested in reading and math in grades 3–8 beginning during this, the 2005–2006 school year. Further, the law mandates that students be tested in science at least once in grades 3–5, 6–9, and 10–12 beginning in the 2007–2008 school year.

This top-down, one-size-fits-all approach to testing is not good for Wisconsin students or schools. Washington does not know best when it comes to making decisions such as this, and states and school districts are rightly concerned about the effect that this additional layer of testing will have on classroom education.

Connecticut, for example, has requested and has been repeatedly denied permission from the Department of Education to continue to test its students every other year instead of every year as is mandated by NCLB.

And it is troubling that the results of these tests are central to determining whether a school, district, or State is considered to be “in need of improvement” or “failing” academically. It is also troubling that the corresponding Federal sanctions for schools deemed to be “in need of improvement” or “failing” will actually take badly needed money from those very schools. And these sanctions are being imposed despite the fact that the Federal Government has not provided the resources

to help these school succeed that were promised as part of NCLB. I am deeply concerned that the President's budget requests for each of the fiscal years since NCLB was enacted have not provided the funding levels promised by that law, and have, in fact, provided no funding for a number of important programs included in that law.

I began to hear concerns from Wisconsinites more than 4 years ago when the President first proposed his education initiative, and these concerns have only increased as my constituents continue to learn first hand what this law means for them and for their students and children. While Wisconsinites support holding schools accountable for results, they are rightly troubled by the focus on testing that is the centerpiece of the President's approach.

In response to these concerns, in past years I introduced with Senator JEFFORDS and others the Student Testing Flexibility Act, which would have allowed States and school districts that are meeting their adequate yearly progress, AYP, goals to waive the additional layer of testing required by NCLB, thus allowing them to maintain their existing testing programs. In addition, this bill would have allowed States to keep the federal money allocated for developing and administering these new tests and to use that money to help those schools and districts that are not meeting their AYP goals. While we have not reintroduced the bill this year, we remain committed to restoring to States and local school districts the decisions over the frequency and magnitude of testing.

In addition, earlier this year I sent with some of my colleagues a letter to the chairman and ranking member of the Health, Education, Labor, and Pensions Committee requesting that the committee have a series of hearings on how the ongoing implementation of the NCLB is affecting schools and districts. We asked that these hearings focus on issues that are being raised by our constituents, including: the unique circumstances of rural and smaller school districts; the long-term effects that meeting the one-size-fits-all AYP provisions will have on students, schools, and school districts; the concern and likelihood that nearly all public schools may not be able to meet the goal of 100-percent proficient scores on reading and math tests by the 2013-2014 school year, even if those schools show a steady increase in student achievement each year; the NCLB sanctions structure; the effect that Federal funding that is well below the agreed-upon authorization levels for crucial programs such as title I and special education is having on schools' ability to meet NCLB and State standards; the need for additional Federal funding for professional development, recruitment and retention, and for additional training for paraprofessionals, so that States and school districts can comply with requirements for having highly

qualified teachers and paraprofessionals; the toll that preparation for the new federally mandated tests is having on, and will have on, the ability of teachers to spend time on innovative and exciting approaches to instruction and assessment, the instruction time available for nontested subjects, such as social studies, art, music, and physical education, the strength of State academic standards, and the morale of students and educators; the ongoing efforts to align the NCLB and the Individuals with Disabilities Education Act; the unique challenges that the accountability provisions pose for students with limited English proficiency; and the implementation of the supplemental services provisions, including implications for Federal civil rights law.

It is critically important that we understand the practical effect of NCLB on the everyday classroom experiences of students and teachers. I have heard from many educators who are already seeing a narrowing of curricula and increased teaching to the test in preparation for the federally mandated tests in reading and math. One of the purposes of public education is to ensure that students have a well-rounded curriculum that gives them the skills that they need to succeed in life. I remain concerned that the approach encapsulated in NCLB will produce a generation of students who know how to take tests, but who don't have the skills necessary to become successful adults. Test-taking has a place in public education, but it should not be the role of the Federal Government to tell schools how and when to require tests.

I am particularly disturbed that this appears to be only the tip of the testing iceberg. In his fiscal year 2006 budget request, the President proposed expanding this testing program to additional high school grades. We should not expand the NCLB testing mandates through the budget and appropriations process, and I am pleased that neither the House-passed nor the Senate reported Labor-Health and Human Services-Education appropriations bill includes this funding.

Students, teachers, and schools are more than a test score, and education should be a well-rounded experience that is not narrowly focused on ensuring that students pass a test to help their schools avoid being sanctioned by the Federal Government. Standardized tests measure performance on a particular day under particular circumstances. These tests do not make allowances for outside factors such as test anxiety, illness, worry about a troubled home situation, or even the fact that the child taking the test may not have eaten that day. To measure the performance of a school and its teachers and students on two test scores per grade does a disservice to these same students, teachers, and schools. And to compare the test scores of this year's third graders to those of next year's third graders does not pro-

vide an accurate picture of educational progress.

I will continue to monitor the effect of the No Child Left Behind Act on Wisconsin students, and I hope that the debate on this law, both in my State and nationally, will result in meaningful changes to this deeply flawed law that will ensure that each child is given the opportunity to succeed and that each school has the resources necessary to give these students that opportunity.

PROTECTING RELIGIOUS FREEDOM

Mr. SANTORUM. Mr. President, here in the United States we cherish and protect religious freedom. Citizens of this great Nation exercise this freedom in many places—in their homes, in their workplaces and many more. But no place is more commonly the location of reflection and prayer than the house of worship—be it the church or synagogue, mosque or temple. The houses of God are infused with sanctity—not because of their architecture or their art or even holy books housed in them—they are sacred because it is where we men and women go to connect to something larger than themselves. We go there to seek comfort and peace. This is, of course, not only true of houses of worship in this country, but throughout the world. It is thus with a heavy heart that I come to the floor today to describe and to deplore the desecration of synagogues that was perpetrated earlier this week in Gaza.

After painful deliberations in Israel's Cabinet, the government of Israel decided to leave standing nineteen synagogues in its twenty-one communities throughout the Gaza Strip rather than lending a hand to their destruction. Despite official Israeli requests to protect the sanctity and security of the holy sites after it courageously withdrew from Gaza, the Palestinian Authority rejected out of hand any responsibility and refused to protect the structures from arsonists and looters. In fact, a Palestinian police officer, tasked with keeping the peace, shirked his responsibility and allowed the mobs to torch the synagogues, claiming, "The people have a right to do what they're doing."

Those acts should offend all people of good conscience. We know too well that where houses of God are desecrated, threats to man's liberty and life are soon found. As a nation founded by those seeking freedom from religious persecution, we know that governments must actively protect their citizens' religious freedom. And they have a sacred obligation to protect buildings not because they are made of stone, glass and wood but out of respect for the worship of God that occurs inside them.

Houses of worship, central fixtures in any community, are places where people gather to serve and worship God, seek his counsel, and share common religious experiences. As an American

who strongly values religious freedom, I am appalled by the actions of Palestinians who desecrated holy sites and I deplore the total abdication of leadership demonstrated by the Palestinian Authority.

[On this day in 1963,] a bomb exploded at the Sixteenth Street Baptist Church in Birmingham, AL. And it took until 2001, almost 40 years later, but, we prosecuted and convicted a man responsible. It pains me as I think of such horrific acts occurring and I am proud that in America we not only have the right to worship freely but where we fully prosecute perpetrators of such crimes to the fullest extent.

The lawlessness in the streets of Gaza, the lack of human rights, and the disrespect shown to holy sites by the Palestinian Authority is in marked, stark contrast to the way Israel has treated mosques and Christian holy sites. Following the torching of synagogues in Gaza, Israel increased security at Arab mosques. We need no further proof of the difference between lawful, civilized nations and those that have no place in the family of nations. A government that fails to honor religious sites and, worse, lacks the ability to restrain its citizens from committing such heinous acts demonstrates it is not yet a partner to peace and not yet interested in normal relations with our great friend, the State of Israel.

Rabbi Tzvi Hersh Weinreb, Executive Vice President of the Union of Orthodox Jewish Congregations of America said, "The destruction of a synagogue is akin to a knife being thrust into our very being. When synagogues are destroyed, with either the connivance or lack of action of a governing authority, we can only ask, what kind of government is this?"

All Americans of good will, of all faiths, ethnicities and nationalities feel such pain. I commend and join President Bush who yesterday condemned the desecration of the synagogues in Gaza and hope that all Members of this great body do the same.

NOMINATIONS OF STEWART A. BAKER AND JULIE L. MYERS

Mr. AKAKA. Mr. President, regretably, I was detained at a Veterans' Affairs Committee business meeting which precluded my presence at an important nomination hearing before the Homeland Security and Governmental Affairs Committee on two critical nominations for key positions within the Department of Homeland Security. The Senate has the responsibility to ensure that the best qualified and most able people serve our country. I ask unanimous consent that my statement

for that hearing be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you Chairman Collins. I wish to add my welcome to Mr. Baker, Ms. Myers, and their families and friends.

You are both here because you wish to continue your careers in public service by serving as Assistant Secretaries in the Department of Homeland Security (DHS). These positions demand individuals who have demonstrated extensive executive level leadership and the ability to manage a sizable budget and diverse workforce. Mr. Baker, if confirmed, you will be the first DHS Assistant Secretary for Policy, and you will help define the role of the Office of Policy.

Ms. Myers, you have been nominated to lead Immigration and Customs Enforcement, an agency that is currently facing significant financial and human resource management challenges.

While every nomination considered by the Senate is important, I believe that today's hearing will be watched carefully by the American people, who are looking to this Committee to make sure we ask the appropriate, and sometimes tough, questions. The people of Hawaii, like all Americans, want to make sure that those leading DHS have the necessary experience and qualifications.

The creation of DHS in 2003 was the largest reorganization of the federal government since the Department of Defense was established in 1947. The merging of 22 legacy agencies into a single agency has created management challenges that DHS will face for years to come. Because of these significant challenges, DHS needs strong leaders. A qualified candidate must possess extensive experience managing people and budgets in addition to having experience in immigration or law enforcement or intelligence.

I am especially concerned about the current state of ICE, which is the second largest federal law enforcement agency with a \$4 billion budget and over 15,000 employees in over 400 offices around the world.

ICE has extraordinary reach, extraordinary responsibilities for our national security, and extraordinary problems.

Financial difficulties have resulted in hiring freezes and reductions in training, bonuses, and travel. ICE's financial crisis has resulted in DHS reprogramming \$500 million in FY 04 and FY 05 funds and requesting an additional \$267 million in the April 2005 emergency supplemental. Despite assurances that ICE's financial problems have been resolved, DHS Inspector General Richard Skinner testified in July 2005 that ICE cannot properly account for millions of dollars every month due to its deficient financial management system. This financial crisis has had an adverse impact on the readiness and morale of the ICE workforce.

ICE needs strong, experienced leadership to repair these management problems.

Mr. Baker, the Administration has submitted legislation to the Congress that this Committee is now considering which would create the position of an Undersecretary for Policy. According to Secretary Chertoff's transmittal letter to the Congress on his proposal, dated July 13, 2005, the new Office

of Policy "will lead a unified, mission-focused policy approach" and will include a number of existing units, such as the Office of International Affairs, the Special Assistant to the Secretary for Private Sector Coordination, the Border and Transportation Security Policy and Planning Office, elements of the Border and Transportation Security Office of International Enforcement, the Homeland Security Advisory Committee, and the Office of Immigration Statistics. In addition, the Secretary is proposing to add a strategic policy planning office and a refugee policy coordinator.

This is an enormous range of new responsibilities and will require someone with extensive management experience and vision.

I would argue that the key focus of this office should be on strategic planning. Given the nature of the Department's enormous size and breadth of responsibilities, someone is needed who can provide focus and direction to the mission of preventing and responding to terrorist attacks and natural disasters.

Mr. Baker, you are being nominated for the position of Assistant Secretary with the expectation of moving into the Undersecretary position should the Congress pass the reform proposal. One of the issues this Committee will have to address is whether you will need to be reconfirmed at a later date for that higher position should you be confirmed for the Assistant Secretary position.

One of the lessons learned from the Hurricane Katrina response is that the senior officials of an agency should have demonstrated leadership skills. The positions of Assistant Secretary for ICE and Assistant Secretary for Policy are no exception.

I would like to draw the attention of my colleagues to one measure of leadership skills: the standards the Office of Personnel Management has developed for the government's career Senior Executive Service (SES).

To qualify for an SES position, a candidate must possess the following five executive qualifications: leading change; leading people; being results driven; having business acumen; and building coalitions/communications.

SES candidates demonstrate these qualifications through experience in key executive skills such as leading others to rapidly adjust organizational behavior and work methods; supervising and managing a diverse workforce; developing strategic human capital management plans; establishing performance standards and plans; managing the budgetary process; overseeing the allocation of financial resources; and developing and maintaining positive working relationships with internal groups and external groups such as Congress, the Office of Management and Budget, and the White House.

These qualifications and experiences help ensure that the federal government's senior executives have the ability to establish a clear vision for the organization and to drive others to succeed. While political appointees are not required to meet these qualifications, I believe it would be difficult for an agency head to be successful without them.

I look forward to this opportunity to hear from Mr. Baker and Ms. Myers. Thank you Madam Chairman.

TRIBUTE TO GENERAL RICHARD B. MYERS

Mr. ROBERTS. Mr. President, I rise today to recognize and pay tribute to General Richard B. Myers, Chairman of the Joint Chiefs of Staff, for his lifetime of service and unfaltering dedication to the United States Armed Forces and our country.

As both a soldier and a leader, spanning 40 years of military service, General Myers contributions to our peace and security, and that of our children and grandchildren, are a remarkable hallmark in military history. During trying times, under sometimes harsh scrutiny, and with high national security stakes at hand, General Myers has repeatedly shown his Kansas common sense, leading our military through two wars and a host of other challenges with a steady hand.

Dick Myers was well prepared for leadership. Born in Kansas City, MO, in 1942, General Myers graduated from Shawnee Mission North High School and attended Kansas State University, where he enrolled in the Air Force ROTC and was commissioned second lieutenant in 1965. After his commissioning, General Myers entered pilot training at Vance Air Force Base, Oklahoma. As a command pilot, he logged over 4,000 flying hours, including 600 combat hours over Vietnam and Laos. Serving in a wide variety of assignments over the next several decades, General Myers assumed the duties of Vice Chairman of the Joint Chiefs of Staff in March 2000.

On October 1, 2001, just weeks after the September 11 terrorist attacks, General Myers was named the 15th Chairman of the Joint Chiefs of Staff. As the first Vice Chairman to ascend to the office, General Myers served as the principal military advisor to the President, the Secretary of Defense, and the National Security Council, and played a critical role in the planning and execution of the Global War on Terrorism, including the important Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom.

During General Myers tenure as the chairman, he was constantly faced with unique challenges and responsibilities with both frustrating and emotional circumstances, from the worst terrorist attacks on the United States in our proud history to fighting overseas wars against terrorists and the enemies of freedom and democracy. Yet, despite all of the challenges, General Myers maintained a positive, forward looking determination and attitude, and never faltered in his responsibility to our men and women serving in the armed forces today.

General Myers' tenure and accomplishments were not limited to the Global War on Terrorism, including operations in Iraq and Afghanistan. Under General Myers' leadership, the Joint Staff produced a far-reaching National Military Strategy, complemented by a National Military Strategic Plan for the War on Terrorism, to

guide the Armed Forces for the challenges of the 21st Century. This strategy serves as a template for the Global War on Terrorism, and was and will be truly instrumental in bringing freedom to the people of Iraq and Afghanistan.

General Myers also oversaw the establishment of the United States Northern Command, or NORTHCOM, the first combatant command responsible for the homeland defense of the continental United States. As part of this effort, the chairman advocated joint war fighting among the services and called on the entire U.S. Government to expand the culture of jointness in the interagency and international communities. General Myers has truly shown great leadership in his efforts to transform and modernize the military.

General Myers should also be recognized for his humanitarian role—a mission many times missing from the headlines. In late 2004, in response to the horrific events surrounding the Indian Ocean Tsunami, General Myers oversaw "Operation Unified Assistance", the largest coordinated and executed military humanitarian relief effort since the Berlin Air Lift. Designed to enable more than 15,000 Department of Defense personnel, 130 aircraft, and 20 United States Navy warships to distribute more than 400,000 gallons of water, 2,000 tons of food, and almost 3,000 tons of other supplies to those in need, the mission was a success.

General Myers' impeccable service and brave leadership are also reflected in the awards and decorations he has received throughout his career. General Myers is the recipient of the Defense Distinguished Service Medal with two oak leaf clusters, Distinguished Service Medal, Legion of Merit, Distinguish Flying Cross with oak leaf cluster, Meritorious Service Medal with three oak leaf clusters, Air Medal with eighteen oak leaf clusters, Air Force Commendation Medal, Joint Meritorious Unit Award with four oak leaf clusters, and Air Force Outstanding Unit Award with "V" device with three oak leaf clusters.

Mr. President, today I have mentioned but a few of General Richard Myers' numerous accomplishments. I not only consider General Myers a strong military leader, in times of both war and peace, and a critically important person in the defense of our great Nation, I am privileged to call him a friend and a colleague. I have often said that if I were in a gunfight on Front Street in Dodge City, KS, during our States' pioneer days, there is no person I would rather have by my side than Richard Myers. I know that a grateful Nation shares my appreciation for the general—a courageous and honorable man and a strong and steadfast military leader during a truly trying time, and I know my colleagues join me in paying tribute to him and his wife Mary Jo for the years they have dedicated to our country and to the betterment of the United States Armed Forces. General Myers, we wish you well.

ADDITIONAL STATEMENTS

TRIBUTE TO CPT WILLIAM "BILL" MARCLEY

• Mr. DEMINT. Mr. President, today I wish to congratulate CPT William F. "Bill" Marcley for his 38 years of service and commitment to saving lives and advancing emergency medical services.

Bill began this selfless work in 1967 after he and his wife were involved in a serious car accident, by turning the experience into an opportunity to serve as a volunteer on the Inter-City First Aid Squad in Lake Park, FL. After helping establish paramedic systems in four counties in Florida, Bill and his family moved to South Carolina in 1977, where he would serve three counties over the next 28 years in many capacities, including director of Fairfield County EMS and EMS Operations Manager in my home county of Greenville.

In addition to his full-time positions, Bill has found time to serve his community as United Way Coordinator for the Department of Public Safety, chairman of "Operation Heartbeat" for the American Heart Association, EMT instructor at Greenville Technological College, and he annually conducts over 100 special programs promoting public safety and emergency medical service education.

On behalf of myself and the State of South Carolina, I thank and commend Captain Marcley for the many contributions he has made in the lives of countless South Carolinians. Although he officially began his retirement on September 9, 2005, I know that his service to South Carolina is far from over, and I wish him and his wife, Arlene, many more happy and productive years together.●

TRIBUTE TO PAT BOONE

Mr. INHOFE. Mr. President, I rise today to pay tribute to acting and music legend Pat Boone.

While most of us remember him as one of the greatest singers of the 1950's, he is also known for his abiding Christian faith and strong moral standards which have sustained him throughout his life even during the height of his career in the entertainment industry.

Today, Mr. Boone is the spokesman for the 60 Plus Association, a non-partisan senior citizens advocacy group.

He recently was interviewed by John Gizzi with Human Events. I ask to have printed in the RECORD an article titled "Pat Boone on Politics, Porn, and the Death Tax".

The article follows.

[From Human Events Online, Aug. 19, 2005]

PAT BOONE ON POLITICS, PORN AND THE DEATH TAX

(By John Gizzi)

Pat Boone, 71, is one of America's most beloved entertainers. In the 1950s, he was the nation's second most popular singer after

Elvis Presley. His hits, "April Love" and "Love Letters in the Sand," were No. 1 for six and seven weeks respectively. He starred in 15 movies, including *Journey to the Center of the Earth* and *State Fair*. Long an active conservative Republican, Boone is currently spokesman for the 60 Plus Association. Last week, Boone spoke with *Human Events* Political Editor John Gizzi.

You have always been known in Hollywood as a conservative and a Christian. In 1961, in fact, you, Ronald Reagan, Roy Rogers and John Wayne addressed Dr. Fred Schwartz's all-Southern California anti-Communist rally. Has it become more difficult for someone [in Hollywood] to be a conservative and a Christian today?

PAT BOONE: I was not involved politically at that time. Then, I felt so strongly about anti-communism and I did read Fred Schwartz's book and then came his crusade at the sports arena. What Schwartz said in his book [You Can Trust the Communists—To Be Communists] made perfect sense to me. The phrase, "Better Red Than Dead," was sweeping college campuses at the time.

When my time came to say a few words, I quoted that sentiment. I said I've got four little girls and if it ever came to that, although I pray it never will, I would rather see my four daughters blown to heaven in an atomic blast than caught in the hell of a Communist United States.

It impressed Reagan and he quoted that a number of times, beginning by saying, "I once heard a young father say." That's what occurred that night.

My activism and my being very outspoken never abated after that and it has cost me as an entertainer. There is a visceral antipathy that producers, hirers and firers have. I feel myself in the other direction. I have feelings I have to control of anger and total disregard for certain actors and outspoken people in our business that I think are ruining American culture.

Do you care to name any names?

BOONE: When Norman Lear started *People For the American Way*, he asked to meet with me. He wanted me to be the voice of *People For the American Way*—its spokesman. He knew I had considerable influence and a high-profile among Christians and Middle America.

I said to him: "Look, I understand why you have these feelings. You want to promote your point of view. But your main concern is with the Christian right, isn't it?" He said, "That's right." I said, "I know you've been openly critical of [Rev.] Jerry Falwell. I know Jerry, although I'm not a member of the Moral Majority. He feels that what you're doing and saying and promoting is at least as harmful for America as you feel his point of view is. So why don't we get you two guys together? I have a feeling that so many of your concerns are similar. Since I know him, I think he'd be willing to meet with you."

Lear said, "No, I wouldn't meet with him." When I asked him why, he said, "He'll just quote Scripture and I don't know anything about that. I'm not going to meet with him." When he left, he knew I wasn't going to be his spokesman.

I'm on the unpopular side in the entertainment community. A number of entertainers, Jonathan Winters for one, say to me, "Boone, I believe everything I ever hear you say. But I don't dare say it." Now, here's a comedian who'll say anything if it's funny, but when it comes to politics or spiritual things, he knows that he's written off if he were to express himself as emphatically as he would really like to.

Why have you signed on with the 60 Plus Association, and why do you believe its premier cause, abolishing the estate tax, is so critical?

BOONE: [60 Plus President] Jim Martin, a former Marine and longtime friend of the President, contacted me and asked me if I wanted to join him and his organization. I had been asked to be a spokesman for a number of seniors' groups, but I put it off because I wasn't ready or willing to be considered a senior. Several years ago, in a 10K race here in Los Angeles, I chose a very public moment in front of the network affiliate cameras to come out of the closet and admit I am a senior. Since then, I haven't been reluctant to let people know that, yes, I am a senior and I do feel very concerned about Social Security and the economy and medical costs.

I have considered for many years that this estate tax is absolute robbery. You already pay taxes, you save money, you've been a good citizen and a responsible person, you save up something, maybe it compounds, but you've already paid tax on it. Now, when you have the poor judgment to die, the government steps in and says, "Thank you for doing that all these years. We'll take half of that." And maybe your folks have to sell the business and the house.

When Bing Crosby's [first] wife Dixie died [in 1952], going back that far, he had to sell assets to pay the estate tax. On top of losing his wife, he was losing assets on which he already paid taxes. I read this was the case and asked him, and he said, "Oh yes. You can't get away from the long arm of the IRS."

Some say that hip-hop, acid rock and similar modern music is destructive. Do you agree that a lot of it is harmful?

BOONE: Oh, yes, I've been very vocal about that, too. The culture is being dragged into the gutter, and the ones doing it are not just the performers, but the record company executives. It's calculated on their part because they realize there's some fascination, as we used to be fascinated with Jimmy Cagney in the gangster movies. But in the movies, the criminals always got caught and punished.

The executives found some years ago that this "gangsta rap" music was being bought and played by kids out in the suburbs. These are the well-to-do kids, not the black kids in the ghetto areas. They were not the ones subscribing to it and making this music so successful. It was the kids driving BMWs that their dads gave them that were playing it very loud and rattling windows of the houses they were going by. They've made a multi, multi-million dollar business out of it.

What's the answer to this? Are you talking about censorship?

BOONE: I had a real head-to-head with Robert Blake one night on the Merv Griffin Show about censorship. I said that no society can survive without some form of censorship. He said, "You're crazy. We don't have censorship. That's bad." I replied, "Wait a minute. The traffic light at the corner is a form of censorship. It says you stop so that someone else can go. And then you have your turn to go." We have laws on the books that prevent you from standing up in a theater and yelling, "Fire," or from walking down the street and opening your trench coat and exposing yourself. There are laws that tell you that you can't do certain things and that's what a society does to protect itself.

I believe we need censorship. I don't think the arts we call the arts—literature, movies and certainly not the airwaves—should be exempt from the rules society makes to protect itself. It's the sensibilities of kids and the females we used to call ladies we're talking about. Thanks to "Sex and the City" and this other stuff, they can be just as profane and filthy as men.

I've watched segments of "The Sopranos," and I just get so sick of the glamour. Talk about Cagney and Bogart. We're making national heroes out of gang bosses.

I do advocate censorship for a healthy society with three provisos: that it be majority-approved, self-imposed and voluntary. The "voluntary" and "self-imposed" may sound like the same thing. The society agrees that we need to protect ourselves, and there are certain bounds beyond which we don't want the public to be exposed to filth. But we will make the rules in a voluntary, majority-approved way. And they can be changed by majority opinion.

I have felt that a healthy society should draw some lines in the dirt and say, "You cannot cross over this line. You cannot say certain words on public television and cable or anything that's going to reach sensibilities. We are going to do something to defend our kids and our ladies and our families." But it's something you just can't even talk about in the entertainment industry. But I say, how are we going to protect ourselves if we don't demand responsibility?

One final point—friends in California say that you were urged to run for Congress as a Republican in 1968. Why didn't you do it?

BOONE: That was back when I had all of my kids at home. I just knew that it would be totally time-consuming and if I were elected, I'd have to do the job. I thought I could get elected. But I also knew if I was elected, I would do my best to be a good congressman. However, it would be very disruptive of my family life because I would spend a lot of time away from family. And also, I could never go back to being an entertainer. ●

RECOGNIZING SAN BERNARDINO'S TEAM INLAND

● Mrs. BOXER. Mr. President, I rise today to acknowledge the accomplishments of some incredibly focused and dedicated young athletes from southern California. This year, the members of Team Inland placed third in the Nike National Youth Basketball Tournament, became the Amateur Athletic Union, AAU, West Coast National Champions, and won the AAU Southern Pacific Division 1 Regional Tournament.

Team Inland is a nonprofit organization based in the city of San Bernardino. It is comprised of 11-year-olds, who commit their time to prepare for numerous weekend basketball tournaments throughout the year. In 2005, they won 77 percent of their games, earning impressive placements in many tournaments.

Making Team Inland's achievement even more meaningful is the fact that team members excelled academically while striving to meet their athletic goals, each maintaining a minimum 3.0 grade point average. It is clear that these young people have set high standards for themselves and put forth tremendous effort to meet them.

The members of 2005 Team Inland are: Marquise Drumwright, Ejiro Ederaine, Tyler Ervin, Quinton Lilley, Jordan Mathis, Myles Pearson, Isaiah Pooler, Kameron Presley, Chandler Scott, Justin Snively, Dominique Walker, and Arther Ley Williams.

The Team Inland players have demonstrated their immense potential to achieve. I hope you are heartened, as I am, to learn of young people striving for personal excellence. I extend my sincere congratulations to Team Inland

and thank them for their great team spirit.●

HONORING WESTERN KENTUCKY NATIONAL MERIT SEMIFINALISTS

● Mr. BUNNING. Mr. President, I pay tribute and congratulate five seniors within the region of West Kentucky, who have been recognized as National Merit Semifinalists. Their recent national recognition has given Kentucky reason to be proud.

The semifinalists are Mary Broadbent from Paducah Tilghman High School, Kyle Brockman from Heath High School, Sara Chen from Tilghman High School, Allison Crawford from Lone Oak High School, Callie Dowdy from Murray High School, Nicholas Ledgerwood from Heath High School, and Joseph Moore from Graves County High School. These students will go on to compete later this year for status as a National Merit Finalist and possible college scholarships.

I hope that you will join me today in both recognizing and congratulating these five high school seniors in their academic achievement. Their dedication and academic excellence serves as an example and inspiration for students throughout the Commonwealth of Kentucky. I wish them continued success throughout their academic careers.●

RETIREMENT OF KEN BUECHE FROM THE COLORADO MUNICIPAL LEAGUE

● Mr. SALAZAR. Mr. President, I rise to note the retirement of a Colorado leader: Ken Bueche, executive director of the Colorado Municipal League. On September 30, Ken Bueche is retiring as executive director of the Colorado Municipal League, a statewide association of 265 member cities and towns.

Ken Bueche earned his undergraduate degree from Colorado State University and his J.D. and Masters in Public Administration from the University of Colorado. In 1963, Ken came to CML as a law clerk and by 1974 rose to become the league's executive director, a position he has held now for more than 30 years.

He has been a long-time believer that local governments are closest to the people and often produce the best solutions for local challenges. He has helped lead the way for Colorado municipalities to streamline local tax collections, shore up their pension funds for first responders, and in 1982 launched a feasibility study that led, in 1982, to the establishment of a self-insurance pool that saves tax dollars and provides affordable insurance for cities, towns and special districts.

Ken was the first recipient of the Leo C. Riethmayer Public Administrator of the Year Award from the University of Colorado. He has served on the Board of Directors of the National League of Cities and is considered one of the

deans of the State municipal league executive directors corps.

Ken and his wife, Bernice, have five children and four grandchildren. Finally, after more than 30 years of diligent service to the people of Colorado, touching virtually every one of their lives, he will be able to delve back into the joys of his family.

I wish him all the best in his future, for he has given Colorado's cities and towns his very best for over three decades. He has been lauded as "a quiet Colorado legend," and he will be missed by all those who have worked alongside him.●

CONGRATULATING PHELPS ELEMENTARY SCHOOL AND ST. RAPHAEL THE ARCHANGEL

● Mr. BUNNING. Mr. President, today I rise to congratulate two outstanding Kentucky schools of distinction. Phelps Elementary School of Phelps and St. Raphael the Archangel of Louisville are recipients of the 2005 Schools of Distinction Award. This honor is presented nationally to 20 schools, of kindergarten through 12th grade, which have demonstrated exceptional commitment to achievement and innovation in education.

Phelps Elementary School and St. Raphael the Archangel were selected from more than 3,000 participating schools nationwide. Both schools were chosen as winners based on merit in each of 10 categories: overall academic achievement, literacy, science, mathematics, teamwork, leadership, collaboration, professional development, technical excellence and technical innovation. Phelps Elementary School was recognized for outstanding science achievement while St. Raphael the Archangel was recognized for outstanding professional development.

For their efforts the two schools will each be rewarded with a \$10,000 cash grant along with their school representatives receiving an all-expense paid trip to Washington, DC, to participate in an awards ceremony. These two schools represent the best in educational excellence and innovation. It is truly an honor to commend Phelps Elementary School and St. Raphael the Archangel as two of the finest schools in the Commonwealth of Kentucky.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

RECOMMENDATIONS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

I transmit herewith the report containing the recommendations of the Defense Base Closure and Realignment Commission pursuant to sections 2903 and 2914 of the Defense Base Closure and Realignment Act of 1990, Public Law 101-510, 104 Stat. 1810, as amended. That report includes changes referenced in errata sheets submitted to me by the Commission, including the enclosed errata sheets dated September 8, September 9, September 12, and September 13, 2005.

I note that I am in receipt of a letter from Chairman Principi, dated September 8, 2005, regarding a district court injunction then in effect relating to the Bradley International Airport Air Guard Station in Windsor Locks, Connecticut. Chairman Principi's letter states that, as a result of that injunction, "you should consider the portion of Recommendation 85 . . . that recommends realignment of the Connecticut 103rd Fighter Wing withdrawn from the Commission's report." The Chairman's letter further states that "[i]f the court's injunction is later vacated, reversed, stayed, or otherwise withdrawn, it is the intent of the Commission that the entirety of the recommendation be a part of the Commission's report." On September 9, 2005, the United States Court of Appeals for the Second Circuit granted a stay of the district court's injunction. Because the injunction is no longer in effect, Recommendation 85 in its entirety is part of the Commission's report.

I certify that I approve all the recommendations contained in the Commission's report.

GEORGE W. BUSH.

THE WHITE HOUSE, September 15, 2005.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 276. An act to revise the boundary of the Wind Cave National Park in the State of South Dakota.

At 4:40 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3768. An act to provide emergency tax relief for persons affected by Hurricane Katrina.

At 6:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3132. An act to make improvements to the national sex offender registration program, and for other purposes.

H.R. 3408. An act to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act.

H.R. 3736. An act to protect volunteers assisting the victims of Hurricane Katrina.

The message also announced that the House has passed the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 208. Concurrent resolution recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society.

H. Con. Res. 240. Concurrent resolution supporting the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encouraging all Americans to observe that day.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3132. An act to make improvements to the national sex offender registration program, and for other purposes; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 208. Concurrent resolution recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society; to the Committee on the Judiciary.

H. Con. Res. 240. Concurrent resolution supporting the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encouraging all Americans to observe that day; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was discharged from the Committee on Finance, amended, and ordered placed on the calendar:

S. 1696. A bill to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1715. A bill to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes.

S. 1716. A bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-3751. A communication from the Commissioner, Social Security Administration, transmitting, the report of a draft bill entitled "Social Security Amendments of 2005" received August 31, 2005; to the Committee on Finance.

EC-3752. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report entitled "The African Growth and Opportunity Act (AGOA) Competitiveness Report"; to the Committee on Finance.

EC-3753. A communication from the Secretary, Health and Human Services, transmitting, pursuant to law, a report entitled "Utilization and Beneficiary Access to Services Post-Implementation of the Inpatient Rehabilitation Facilities Prospective Payment System (IRF PPS)"; to the Committee on Finance.

EC-3754. A communication from the Secretary, Health and Human Services, transmitting, the Administration's draft proposals that would protect and strengthen the financing of the Medicaid program, as described in the President's Fiscal Year 2006 Budget; to the Committee on Finance.

EC-3755. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Conditions for Payment of Power Mobility Devices, Including Power Wheelchairs and Power-Operated Vehicles" (RIN0938-AM74) received on August 31, 2005; to the Committee on Finance.

EC-3756. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals: Federal Fiscal Year 2005" (RIN0938-AO04) received on August 31, 2005; to the Committee on Finance.

EC-3757. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Differential Earnings Rate for 2004 under Section 809" (Rev. Rul. 2005-58) received on August 22, 2005; to the Committee on Finance.

EC-3758. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 411(d)(6) Protected Benefits" (RIN1545-BC26)(TD 9219) received on August 22, 2005; to the Committee on Finance.

EC-3759. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—July 2005" (Rev. Rul. 2005-63) received on August 31, 2005; to the Committee on Finance.

EC-3760. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Stranded Cost No Rule" (Rev. Proc. 2005-61) received on August 31, 2005; to the Committee on Finance.

EC-3761. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of

Revenue Procedure 2002-49" (Rev. Proc. 2005-62) received on August 31, 2005; to the Committee on Finance.

EC-3762. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Staggered Remedial Amendment Period Revenue Procedure" (Rev. Proc. 2005-66) received on August 31, 2005; to the Committee on Finance.

EC-3763. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interaction of section 420 and the Code and section 101 of the Medicare Prescription Drug Improvement and Modernization Act of 2003" (Rev. Rul. 2005-60) received on August 31, 2005; to the Committee on Finance.

EC-3764. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Collected Excise Taxes; Duties of Collector" (RIN1545-BB75)(TD 9221) received on August 31, 2005; to the Committee on Finance.

EC-3765. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance under Section 951 for Determining Pro Rata Share" (RIN1545-BD49)(TD 9222) received on August 31, 2005; to the Committee on Finance.

EC-3766. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Value of Life Insurance Contracts when Distributed from a Qualified Retirement Plan" (RIN1545-BC20)(TD 9223) received on August 31, 2005; to the Committee on Finance.

EC-3767. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination 2005-31 relative to waiving prohibition on United States Military assistance with respect to Cambodia; to the Committee on Foreign Relations.

EC-3768. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination 2005-26 relative to waiving prohibition on United States Military assistance with respect to the Dominican Republic; to the Committee on Foreign Relations.

EC-3769. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Commodity Supplemental Food Program (CSFP)—Plain Language, Program Accountability, and Program Flexibility" (RIN0584-AC84) received August 22, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3770. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to providing financial assistance to the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under the Cooperative Forestry Assistance Act of 1978; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3771. A communication from the Secretary of Agriculture, transmitting, the report of draft bills relative to changes to the Commodity Credit Corporation funded Farm Bill programs, crop insurance and Food Stamp programs and requests authority to charge fees for several activities; to the

Committee on Agriculture, Nutrition, and Forestry.

EC-3772. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Approval of Iron-Tungsten-Nickel Shot as Nontoxic for Hunting Waterfowl and Coots" (RIN1018-AT87) received on August 22, 2005; to the Committee on Energy and Natural Resources.

EC-3773. A communication from the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Eighth Annual Report on Federal Agency Use of Voluntary Consensus Standards and Conformity Assessment"; to the Committee on Homeland Security and Governmental Affairs.

EC-3774. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of action on a nomination and the discontinuation of service in the acting role for the position of Assistant Secretary for Veterans Employment and Training; to the Committee on Health, Education, Labor, and Pensions.

EC-3775. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Electronic Filing and Disclosure of Beneficial Ownership Reports" (RIN1557-AC75) received on August 22, 2005; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 360. A bill to amend the Coastal Zone Management Act (Rept. No. 109-137).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLEN (for himself and Mr. MARTINEZ):

S. 1706. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from a section 401(k) plan or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Finance.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 1707. A bill for the relief of Abraham Jaars, Delicia Jaars, and Grant Jaars; to the Committee on the Judiciary.

By Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. VITTER, Mr. LIEBERMAN, Mr. BOND, Mr. CARPER, Mr. WARNER, Mrs. CLINTON, Mr. CHAFEE, Ms. LANDRIEU, Ms. MURKOWSKI, and Mr. THUNE):

S. 1708. A bill to modify requirements relating to the authority of the Administrator of General Services to enter into emergency leases during major disasters and other

emergencies; to the Committee on Environment and Public Works.

By Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. VITTER, Mrs. CLINTON, Mr. CHAFEE, Mr. LIEBERMAN, Mr. WARNER, Mr. CARPER, Mrs. BOXER, Ms. LANDRIEU, and Ms. MURKOWSKI):

S. 1709. A bill to provide favorable treatment for certain projects in response to Hurricane Katrina, with respect to revolving loans under the Federal Water Pollution Control Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SANTORUM (for himself and Mr. CRAPO):

S. 1710. A bill to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INHOFE (for himself and Mr. VITTER):

S. 1711. A bill to allow the Administrator of the Environmental Protection Agency to waive or modify the application of certain requirements; to the Committee on Environment and Public Works.

By Mr. VOINOVICH (for himself and Mr. AKAKA):

S. 1712. A bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LUGAR:

S. 1713. A bill to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments; to the Committee on Foreign Relations.

By Mr. VITTER (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. LOTT, Mr. INHOFE, Mr. WARNER, Mr. BOND, Mr. CHAFEE, Ms. MURKOWSKI, Mr. THUNE, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. CARPER, and Mrs. CLINTON):

S. 1714. A bill to modify requirements under the emergency relief program under title 23, United States Code, with respect to projects for repair or reconstruction in response to damage caused by Hurricane Katrina; to the Committee on Environment and Public Works.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 1715. A bill to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes; read the first time.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1716. A bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MARTINEZ:

S. Res. 239. A resolution supporting the goals and ideals of Infant Mortality Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself, Mr. FEINGOLD, Mr. SMITH, Ms. COLLINS, Mr. COLEMAN, Mr. VOINOVICH, Mr. BROWNBACK, Mr. ALLEN, Mr. BURR, Mr. COBURN, Mr. VITTER, Mr. BUNNING, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. MARTINEZ, Mr. DEWINE, and Mr. BIDEN):

S. Res. 240. A resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes; considered and agreed to.

By Mr. JEFFORDS:

S. Res. 241. A resolution designating September 2005, as "Leukemia, Lymphoma, and Myeloma Awareness Month"; considered and agreed to.

By Mr. SESSIONS (for himself, Mr. DOMENICI, Mr. FRIST, Mr. STEVENS, Mr. INHOFE, Mr. SANTORUM, Mr. ISAKSON, Mr. BURNS, Mr. BUNNING, Mr. BROWNBACK, Mr. GRAHAM, Mr. ENSIGN, Mr. THOMAS, Mr. MCCONNELL, Mr. CRAPO, Mr. DEMINT, Mr. ALLARD, Mr. GREGG, Mr. ALEXANDER, Mr. ENZI, Mr. MARTINEZ, Mr. GRASSLEY, Mr. BENNETT, Mr. HATCH, Mrs. HUTCHISON, Mr. BOND, Mr. CHAMBLISS, Mr. VOINOVICH, and Mrs. DOLE):

S. Res. 242. A resolution to express the sense of the Senate that the President should appoint an individual to oversee Federal funds for the Hurricane Katrina recovery, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TALENT (for himself, Mr. FRIST, Mr. SANTORUM, Mr. MCCONNELL, Mr. CORNYN, Mr. BROWNBACK, Mr. LOTT, Mr. GRASSLEY, Mr. MARTINEZ, Mr. BUNNING, Mr. ALLEN, Mr. BURNS, Mr. STEVENS, Mr. DEMINT, Mr. THUNE, Mr. ENSIGN, and Mr. KYL):

S. Res. 243. A resolution expressing Support for the Pledge of Allegiance; considered and agreed to.

By Mr. SALAZAR (for himself, Mr. CORZINE, Mr. NELSON of Florida, Mr. PRYOR, and Mr. CONRAD):

S. Res. 244. A resolution expressing support for the Pledge of Allegiance; considered and agreed to.

ADDITIONAL COSPONSORS

S. 314

At the request of Mr. CORNYN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 314, a bill to protect consumers, creditors, workers, pensioners, shareholders, and small businesses, by reforming the rules governing venue in bankruptcy cases to combat forum shopping by corporate debtors.

S. 359

At the request of Mr. CRAIG, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 424

At the request of Mr. BOND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 424, a bill to amend the Public

Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 503

At the request of Mr. BOND, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 627

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 769

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 793

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 793, a bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1049

At the request of Mr. FRIST, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1049, a bill to amend title XXI of the Social Security Act to provide grants to promote innovative outreach and enrollment under the medicaid and State children's health insurance programs, and for other purposes.

S. 1099

At the request of Mr. SHELBY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1099, a bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1132

At the request of Mr. COLEMAN, the name of the Senator from New Jersey

(Mr. LAUTENBERG) was added as a cosponsor of S. 1132, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1197

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1272

At the request of Mr. NELSON of Nebraska, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1294

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1294, a bill to amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services.

S. 1306

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1306, a bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

S. 1308

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1308, a bill to establish an Office of Trade Adjustment Assistance, and for other purposes.

S. 1309

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1309, a bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

S. 1417

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1417, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1442

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1442, a bill to amend the Public Health Service Act to establish a Coordinated Environmental Health Network, and for other purposes.

S. 1489

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1489, a bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes.

S. 1496

At the request of Mr. CRAPO, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1530

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1530, a bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes.

S. 1557

At the request of Mr. COBURN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1557, a bill to amend the Public Health Service Act to provide for a program at the National Institutes of Health to conduct and support research in the derivation and use of human pluripotent stem cells by means that do not harm human embryos, and for other purposes.

S. 1563

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1563, a bill to amend title XIX of the Social Security Act to protect and strengthen the safety net of children's public health coverage by extending the enhanced Federal matching rate under the State children's health insurance program to children covered by medicaid at State option and by encouraging innovations in children's enrollment and retention, to advance quality and performance in children's public health insurance programs, to provide payments for children's hospitals to reward quality and performance, and for other purposes.

S. 1648

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1648, a bill to amend title 49, United States Code, to improve the

system for enhancing automobile fuel efficiency, and for other purposes.

S. 1691

At the request of Mr. CRAIG, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1691, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law.

S. 1696

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1696, a bill to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes.

S. 1700

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Texas (Mr. CORNYN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Kansas (Mr. BROWNBACK) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S.J. RES. 23

At the request of Mrs. CLINTON, her name was added as a cosponsor of S.J. Res. 23, a joint resolution supporting the goals and ideals of Gold Star Mothers Day.

S. RES. 238

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. Res. 238, a resolution recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of our Nation.

At the request of Mr. FRIST, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Nevada (Mr. REID) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 238, supra.

AMENDMENT NO. 762

At the request of Mr. NELSON of Florida, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 762 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1678

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 1678 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1695

At the request of Mr. KERRY, the name of the Senator from New Jersey

(Mr. CORZINE) was added as a cosponsor of amendment No. 1695 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1706

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1706 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1717

At the request of Ms. SNOWE, the names of the Senator from Missouri (Mr. TALENT), the Senator from Massachusetts (Mr. KERRY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 1717 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

At the request of Mr. PRYOR, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN (for himself and Mr. MARTINEZ):

S. 1706. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from a section 401(k) plan or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Finance.

Mr. ALLEN. Mr. President, I rise to bring the Senate's attention to a bill I introduced today, the Long-Term Care Act of 2005.

Baby boomers will begin to turn 65 years old in 2010 and by 2030, all 77 million baby boomers will have reached retirement age and the over 65 population will have doubled. The practicality of these conditions will require the Federal Government and most State governments to spend more money on health care. Presently, Federal and State Governments are spending billions of dollars to ensure the

health and well-being of our fellow citizens.

In one sector of the health care arena where costs are dramatically rising is in the area of long-term care. In 2000, spending on long-term care was estimated at \$123.1 billion and it is expected to triple to \$346.1 billion by 2040. Currently, 70 percent of long-term care costs are spent on nursing home care. The average cost of nursing home care is \$178 per day or \$60,000 per year. That is a significant burden on Federal and State Governments as well as the thousands of individuals who pay for that care out of pocket.

In addition, almost 75 percent of nursing home care is publicly funded. Medicaid spends about 58.7 percent on long-term care while Medicare spends 14.7 percent. According to the Council for Affordable Health Insurance, by the year 2030, Medicaid's nursing home expenditures are expected to reach \$130 billion a year.

If more people purchased private long-term care insurance, we could reduce Medicaid's future institutional-care expenses by more than \$40 billion each year, while giving those who are insured alternatives to nursing homes, including home care, adult daycare, foster care and assisted living. Congress has taken steps to give individuals more power to pay for their health care services such as long-term care. One such outstanding measure was the creation of Health Savings Accounts, HSAs.

I was pleased to support the passage of the Medicare Modernization Act. This landmark legislation created health savings accounts, which are a new way that people can pay for unreimbursed medical expenses such as deductibles, copayments, and services not covered by insurance like long-term care. Eligible individuals can establish and fund these accounts when they have a qualifying high deductible health plan and no other health plan, with some exceptions. The beauty of these plans is that they have tax advantages such as deductible contributions; tax-exempt withdrawals if the individual uses the money for medical expenses; and tax-exempt account earnings.

I am confident that with the creation of health savings accounts, individuals and families will be encouraged to set money aside for their health care expenses and give individuals the means to pay for health care services of their own choosing, without being constrained by insurers or employers. Unfortunately, health savings accounts are relatively new and most individuals will not have the built up funds in their HSA to pay for a number of costly health care expenses such as long-term care insurance and that is why we need to provide other options to help pay for this important investment.

Currently, thousands of Virginians and millions of Americans are saving in their retirement plans to have a comfortable life once they become seniors, be it 401(k) and 403(b) accounts.

These savings plans help prepare individuals for their future retirement or any unforeseen circumstance that may arise. Indeed, over 47 million Americans have 401(k) accounts with \$1.8 trillion saved. In addition, 6.4 million Americans have 403(b) accounts, amounting to over \$590 billion saved.

These are untapped funds that individuals should be allowed to use to help pay for their future health care needs. Current tax law and some retirement plans allow individuals, in extreme circumstances, to withdraw funds from their retirement accounts, but more often than not, a 10 percent excise tax applies for early withdrawal. In my opinion, that tax precludes the ability or desirability of individuals to provide for their and their families well-being and that is why I have introduced legislation to provide a new health care option to help address this unfortunate circumstance.

My legislation, the Long-Term Care Act, will allow individuals to use their 401(k) and 403(b) plans to purchase long-term care insurance with pretax dollars at any age and without early withdrawal penalty. Under the Long-Term Care Act, the consumer has the option to purchase long-term care insurance at the most appropriate amounts for their own needs and their spouses.

Today, only 6 percent of Americans own a long-term care policy. One of the reasons behind this dismally low figure is that individuals wait too long to purchase long-term care insurance. In fact, purchasing long-term care insurance at age 65 is about twice as expensive as purchasing it age 55. That is why we must encourage individuals to plan for their future health care needs and purchase long-term care insurance at an early age. By purchasing long-term care insurance at a younger age, individuals will be saving money in the long run and not depleting their life savings.

Our country is heading towards a demographic meltdown on long-term care costs. It is simply unsustainable for individuals and the government to maintain the current rate of spending without further endangering the state of health care in the United States.

Preparing for future costs of health care is something that every American should be doing. Long-term care insurance is one way for Americans to plan for periods of extended disability without burdening their families, going bankrupt, or relying on government assistance.

Every American should be preparing for future health care costs and it is important that we encourage people to take responsibility today for those costs, be it with the purchase of long-term care insurance or investment in a health savings account. If Virginians and Americans fail to act, it will result in an increased and unsustainable financial burden on the Federal Government and taxpayers.

My legislation, the Long-Term Care Act, is a commonsense approach that

will encourage individuals to plan for their future health care needs and help make long-term care insurance more affordable. While this may not be the solution for some people, it is another option for the millions of Virginians and Americans to help provide for their health and well-being or the health and well-being of loved ones. I look forward to the Senate's action on this legislation because it not only encourages Americans to plan for their future health needs but will also help sustain the viability of our Nation's health care system. I thank you for your time and I yield the floor.

By Mr. SANTORUM (for himself and Mr. CRAPO):

S. 1710. A bill to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SANTORUM. Mr. President, I rise today to introduce a bill to remove the current cap on the number of reverse mortgages that can be insured by the Federal Housing Administration (FHA). This legislation will ensure that eligible seniors have access to this important tool that allows them to continue to meet their expenses at a time when they have a reduced income. I am very pleased to be joined in this effort by Senator CRAPO, who is an original cosponsor of this legislation.

I represent a State with the second largest senior population in the United States. Many of these seniors have worked hard throughout their years and own their own homes. Many of them are also at a time in their lives when they are having trouble making ends meet. Reverse mortgages allow senior homeowners to convert part of their home equity into tax-free income. The homeowner receives payments from the lender rather than making monthly payments as with a regular mortgage. The homeowner may receive the money in one lump sum, fixed monthly payments, a line of credit, or a combination of these. These funds can be used by seniors to pay for expenses, while allowing them to stay in their own homes as long as possible. A reverse mortgage helps make services like home healthcare, adult daycare and assisted living a possibility for more American seniors. It can also be used to pay for needed home repairs and other living expenses.

Unfortunately, there is currently a statutory limitation on the number of FHA-insured reverse mortgages that can be issued. This cap has already been increased as the aggregate number of FHA-insured reverse mortgages came close to reaching the cap. Unless it is removed completely, many seniors may be denied the use of this program, which can help to make their later years more stable and comfortable. For this reason, I am pleased to introduce

this legislation to permanently remove the current cap.

I am also pleased to be working on this proposal with my colleague from Pennsylvania, Representative MICHAEL FITZPATRICK, who has introduced this legislation in the House. I am very hopeful that the 109th Congress will act to pass this important legislation.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reverse Mortgages to Help America's Seniors Act".

SEC. 2. ELIMINATION OF CAP ON NUMBER OF MORTGAGES INSURED.

Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (g), by striking the first sentence; and

(2) in subsection (i)(1)(C), by striking "limitations" and inserting "limitation".

By Mr. VOINOVICH (for himself and Mr. AKAKA):

S. 1712. A bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeland Security Management Restructuring Act of 2005".

SEC. 2. DEPUTY SECRETARY OF HOMELAND SECURITY FOR MANAGEMENT.

(a) ESTABLISHMENT AND SUCCESSION.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "DEPUTY SECRETARY" and inserting "DEPUTY SECRETARIES";

(B) by striking paragraph (7);

(C) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(D) by striking paragraph (1) and inserting the following:

"(1) A Deputy Secretary of Homeland Security.

"(2) A Deputy Secretary of Homeland Security for Management."; and

(2) by adding at the end the following:

"(g) VACANCIES.—

"(1) VACANCY IN OFFICE OF SECRETARY.—

"(A) DEPUTY SECRETARY.—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.

“(B) DEPUTY SECRETARY FOR MANAGEMENT.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

“(2) VACANCY IN OFFICE OF DEPUTY SECRETARY.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

“(3) FURTHER ORDER OF SUCCESSION.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.”.

(b) RESPONSIBILITIES.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking “**UNDER SECRETARY**” and inserting “**DEPUTY SECRETARY OF HOMELAND SECURITY**”;

(2) in subsection (a)—

(A) by inserting “The Deputy Secretary of Homeland Security for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs.” before “The Secretary”;

(B) by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”;

(C) by striking paragraph (7) and inserting the following:

“(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department.”; and

(D) by striking paragraph (9), and inserting the following:

“(9) The integration and transformation process, to ensure an efficient and orderly consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department.”; and

(3) in subsection (b)—

(A) in paragraph (1), by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”; and

(B) in paragraph (2), by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”.

(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as amended by this Act, is further amended by adding at the end the following:

“(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—The Deputy Secretary of Homeland Security for Management—

“(1) shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

“(A) extensive executive level leadership and management experience in the public or private sector;

“(B) strong leadership skills;

“(C) a demonstrated ability to manage large and complex organizations; and

“(D) a proven record in achieving positive operational results;

“(2) shall serve for a term of 5 years, but may be removed by the Secretary of Homeland Security based upon an unsatisfactory annual determination under paragraph (5);

“(3) may be reappointed in accordance with paragraph (1), if the Secretary has made a

satisfactory determination under paragraph (5) for the 3 most recent performance years;

“(4) shall enter into a publicly available annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

“(5) shall be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Deputy Secretary of Homeland Security for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (4).”.

(d) INCUMBENT.—The individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act—

(1) may perform all the duties of the Deputy Secretary of Homeland Security for Management at the pleasure of the President, until a Deputy Secretary of Homeland Security for Management is appointed in accordance with subsection (c) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by this Act; and

(2) may be appointed Deputy Secretary of Homeland Security for Management, if such appointment is otherwise in accordance with sections 103 and 701 of the Homeland Security Act of 2002 (6 U.S.C. 113 and 341), as amended by this Act.

(e) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document or of relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OTHER REFERENCE.—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”.

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

“Sec. 701. Deputy Secretary of Homeland Security for Management.”.

(3) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

“Deputy Secretary of Homeland Security for Management.”.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 1715. A bill to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes; read the first time.

Mr. ENZI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

Sec. 2. Sunset provision.

TITLE I—ELEMENTARY AND SECONDARY EDUCATION ASSISTANCE

Sec. 101. Waivers and other actions.

Sec. 102. Providing additional support for students affected by Hurricane Katrina.

Sec. 103. Immediate aid to restart school operations.

Sec. 104. Use of 2004–2005 child count for ESEA and IDEA funding for sending local educational agencies.

Sec. 105. Payments for receiving local educational agencies.

Sec. 106. Teacher and paraprofessional reciprocity; delay.

Sec. 107. Assistance for homeless youth.

TITLE II—HIGHER EDUCATION

Sec. 201. Definitions.

Sec. 202. Waiver authority and modifications to certain provisions of the Higher Education Act of 1965.

Sec. 203. General waiver authority and required consultation.

Sec. 204. Notice of waivers, modifications, or extensions.

TITLE III—EMERGENCY AND DISASTER ASSISTANCE TO INDIVIDUALS WITH DISABILITIES

Subtitle A—Assistance for Children With Disabilities

Sec. 311. Definitions.

Sec. 312. Use of 2004–2005 numbers of children for IDEA funding for sending states.

Sec. 313. Support for local educational agencies receiving children affected by Hurricane Katrina.

Subtitle B—Assistance for Individuals With Disabilities

Sec. 321. Rehabilitation Act of 1973.

Sec. 322. Assistive Technology Act of 1998.

TITLE IV—CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990

Sec. 401. Short title.

Sec. 402. Waiver authority to expand the availability of services under Child Care and Development Block Grant Act of 1990.

Sec. 403. Technical assistance and guidance.

Sec. 404. Authorization of appropriations.

TITLE V—HEAD START PROGRAMS

Sec. 501. Definitions.

Sec. 502. Income eligibility and documentation waivers.

Sec. 503. Technical assistance, guidance, and resources.

Sec. 504. Authorization of appropriations.

TITLE VI—DEPARTMENT OF EDUCATION INSPECTOR GENERAL AUDIT AND REPORT

Sec. 601. Department of Education Inspector General audit and report.

SEC. 2. SUNSET PROVISION.

The provisions of this Act (other than section 202(b)) shall be effective for the period beginning on the date of enactment of this Act and ending on September 30, 2006.

TITLE I—ELEMENTARY AND SECONDARY EDUCATION ASSISTANCE

SEC. 101. WAIVERS AND OTHER ACTIONS.

(a) CURRENT WAIVER AND OTHER AUTHORITY.—The Secretary of Education is encouraged to exercise the maximum waiver authority available or exercise other actions for States, local educational agencies, and schools affected by Hurricane Katrina with respect to the waiver authority or authorization of actions provided under the following provisions of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.):

(1) Section 1111(b)(3)(C)(vii) of such Act (20 U.S.C. 6311(b)(3)(C)(vii)).

(2) Section 1111(b)(7) of such Act (20 U.S.C. 6311(b)(7)).

(3) Section 1111(c)(1) of such Act (20 U.S.C. 6311(c)(1)).

(4) Section 1111(h)(2)(A)(i) of such Act (20 U.S.C. 6311(h)(2)(A)(i)).

(5) Section 1116(b)(7)(D) of such Act (20 U.S.C. 6316(b)(7)(D)).

(6) Section 1116(c)(10)(F) of such Act (20 U.S.C. 6316(c)(10)(F)).

(7) Section 1125A(e)(3) of such Act (20 U.S.C. 6337(e)(3)).

(8) Section 3122(a)(3)(B) of such Act (20 U.S.C. 6842(a)(3)(B)).

(9) Section 5141(c) of such Act (20 U.S.C. 7217(c)).

(10) Section 7118(c)(3)(A) of such Act (20 U.S.C. 7428(c)(3)(A)).

(11) Section 9521(c) of such Act (20 U.S.C. 7901(c)).

(b) **REPORT ON WAIVERS.**—Not later than December 31, 2005, the Secretary of Education shall prepare and submit a report on the States requesting a waiver of any provision under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) due to the impact of Hurricane Katrina to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 102. PROVIDING ADDITIONAL SUPPORT FOR STUDENTS AFFECTED BY HURRICANE KATRINA.

(a) **GRANTS AUTHORIZED.**—From amounts appropriated under subsection (d), the Secretary of Education is authorized to make grants to eligible local educational agencies to enable such agencies to provide, to students displaced or affected by Hurricane Katrina—

(1) supplemental educational services consistent with the definitions, criteria, and amounts established under section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)); or

(2) additional programs and activities under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.) relating to 21st century community learning centers.

(b) **DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.**—In this section, the term “eligible local educational agency” means—

(1) a local educational agency in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina; or

(2) a local educational agency that enrolls a significant number of students displaced from an area where a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina, as compared to the total student enrollment in the schools served by the agency.

(c) **INTERACTION WITH THE ESEA.**—

(1) **SUPPLEMENTAL EDUCATIONAL SERVICES.**—An eligible local educational agency providing services described in subsection (a)(1) may provide such services to a student displaced by Hurricane Katrina regardless of the status of the school such student attends under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).

(2) **SPECIAL RULE.**—Section 9534(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7914(a)) shall apply to the services, programs, and activities funded under this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$100,000,000 for fiscal year 2006.

SEC. 103. IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.

(a) **PURPOSE.**—It is the purpose of this section—

(1) to provide immediate and direct assistance to local educational agencies in Louisiana, Mississippi, and Alabama that serve an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina;

(2) to assist school district administrators and personnel of such agencies who are working to restart operations in elementary schools and secondary schools served by such agencies; and

(3) to facilitate the re-opening of elementary schools and secondary schools served by such agencies and the re-enrollment of students in such schools as soon as possible.

(b) **PAYMENTS AUTHORIZED.**—From amounts appropriated to carry out this section, the Secretary of Education is authorized to make payments in accordance with subsection (c), in November of 2005, to local educational agencies in Louisiana, Mississippi, and Alabama that serve schools certified by the Secretary as being located in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(c) **ELIGIBILITY AND CONSIDERATION.**—In determining whether to award a payment under this section, or the amount of the payment, the Secretary of Education shall consider the following:

(1) The number of school-aged children served by the local educational agency in the academic year preceding the academic year for which the payment is awarded.

(2) The severity of the impact of Hurricane Katrina on the local educational agency and the extent of the needs in each local educational agency in Louisiana, Mississippi, and Alabama that is in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(d) **APPLICATIONS.**—Each local educational agency desiring a payment under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary of Education may require.

(e) **USES OF FUNDS.**—

(1) **IN GENERAL.**—A local educational agency receiving a payment under this section shall use the payment for—

(A) recovery of student and personnel data, and other electronic information;

(B) replacement of school district information systems, including hardware and software;

(C) financial operations;

(D) rental of mobile educational units and leasing of neutral sites or spaces;

(E) initial replacement of instructional materials and equipment, including textbooks;

(F) redeveloping instructional plans, including curriculum development;

(G) initiating and maintaining education and support services; and

(H) such other activities related to the purpose of this section that are approved by the Secretary.

(2) **PROHIBITIONS.**—Payments received under this section shall not be used for any of the following:

(A) Construction or renovation of schools.

(B) Payments to school administrators or teachers who are not actively engaged in re-starting or re-opening schools.

(f) **SUPPLEMENT NOT SUPPLANT.**—Funds made available under this section shall be used to supplement, not supplant, any funds made available through the Federal Emergency Management Agency or through a State.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$900,000,000 for fiscal year 2006.

SEC. 104. USE OF 2004-2005 CHILD COUNT FOR ESEA AND IDEA FUNDING FOR SENDING LOCAL EDUCATIONAL AGENCIES.

In calculating funding under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) and part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for the 2006-2007 school year for a local educational agency, the Secretary of Education shall use the child count applicable for such agency that was calculated for the 2004-2005 school year if—

(1) such agency serves an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina; and

(2) such agency, for the 2006-2007 school year, has a net loss of students as compared with the 2004-2005 school year.

SEC. 105. PAYMENTS FOR RECEIVING LOCAL EDUCATIONAL AGENCIES.

(a) **PAYMENTS AUTHORIZED.**—

(1) **IN GENERAL.**—Not later than December of 2005 and not later than 5 months after the date of the first payment made under this paragraph, the Secretary of Education shall make payments to eligible local educational agencies in accordance with subsection (d) to enable the agencies to improve the instruction of the displaced students served by the agencies.

(2) **ELIGIBLE LOCAL EDUCATIONAL AGENCIES.**—A local educational agency is eligible to receive a payment under paragraph (1) if the agency serves an elementary school or secondary school (including a charter school) in which there is enrolled a displaced student who enrolled in such school.

(b) **DEFINITION OF DISPLACED STUDENT.**—In this section, the term “displaced student” means a student who enrolled in an elementary school or secondary school (including a charter school) served by a local educational agency because such student resides or resided on August 22, 2005, in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(c) **NUMBER OF STUDENTS.**—Not later than December 15, 2005, and April 15, 2006, each eligible local educational agency shall submit to the Secretary of Education documentation that indicates the number of displaced students enrolled in the elementary schools and secondary schools (including charter schools) served by such agency, including the number of displaced students who are assisted under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(d) **AMOUNT OF PAYMENTS.**—The amount of a payment under subsection (a) for an eligible local educational agency shall equal the sum of—

(1) 50 percent of the product of the number of displaced students (not including displaced students who are assisted under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)) served by such agency as described in subsection (c) times the average per-pupil expenditure for the most recent fiscal year for which the information is available (but not earlier than

fiscal year 2003) in the State in which such agency is located, and

(2) 50 percent of the product of the number of displaced students served by such agency who are assisted under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) as described in subsection (c) times 125 percent of the average per-pupil expenditure for the most recent fiscal year for which the information is available (but not earlier than fiscal year 2003) in the State in which such agency is located.

(e) **DISPLACED STUDENTS NOT TO COUNT FOR ESEA AND IDEA FUNDING.**—In calculating funding under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) and part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for a local educational agency that receives a payment under this section, the Secretary of Education shall not count, for purposes of calculating such funding under such parts, displaced students served by such agency for whom a payment is received under this section.

(f) **USE OF FUNDS.**—A local educational agency receiving a payment under this section shall use such payment to enhance instructional opportunities for displaced students who enroll in elementary schools and secondary schools served by such agency, which uses may include—

(1) providing instructional services to such students;

(2) paying the compensation of personnel, including teacher aides, to provide instructional services to such students; and

(3) identifying and acquiring curricular material, including the costs of providing additional classroom supplies, and mobile educational units and leasing neutral sites or spaces.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$2,500,000,000 for fiscal year 2006.

SEC. 106. TEACHER AND PARAPROFESSIONAL RECIPROCITY; DELAY.

(a) **TEACHER AND PARAPROFESSIONAL RECIPROCITY.**—

(1) **TEACHERS.**—

(A) **AFFECTED TEACHER.**—In this subsection, the term “affected teacher” means a teacher who is displaced due to Hurricane Katrina to a State that is different from the State in which such teacher resided before Hurricane Katrina.

(B) **IN GENERAL.**—A local educational agency may consider an affected teacher hired by such agency who is not highly qualified in the State in which such agency is located to be highly qualified, for purposes of section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319), for a period not to exceed 1 year, if such teacher was highly qualified, consistent with section 9101(23) of the Higher Education Act of 1965 (20 U.S.C. 7801(23)), on or before August 22, 2005, in the State in which such teacher resided before Hurricane Katrina.

(2) **PARAPROFESSIONAL.**—

(A) **AFFECTED PARAPROFESSIONAL.**—In this subsection, the term “affected paraprofessional” means a paraprofessional who is displaced due to Hurricane Katrina to a State that is different from the State in which such paraprofessional resided before Hurricane Katrina.

(B) **IN GENERAL.**—A local educational agency may consider an affected paraprofessional hired by such agency who does not satisfy the requirements of section 1119(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(c)) in the State in which such agency is located to satisfy such requirements, for purposes of such section, for a period not to exceed 1 year, if such paraprofessional satisfied such requirements on

or before August 22, 2005, in the State in which such paraprofessional resided before Hurricane Katrina.

(b) **DELAY.**—The Secretary of Education may delay, for a period not to exceed 1 year, applicability of the requirements of paragraphs (2) and (3) of section 1119(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)(2) and (3)) with respect to the States of Alabama, Louisiana, and Mississippi (and local educational agencies within the jurisdiction of such States), if any such State or local educational agency demonstrates that a failure to comply with such requirements is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of local educational agencies within the State.

SEC. 107. ASSISTANCE FOR HOMELESS YOUTH.

(a) **IN GENERAL.**—The Secretary of Education shall provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433), including identification, enrollment assistance, assessment and school placement assistance, transportation, coordination of school services, supplies, referrals for health, mental health, and other needs.

(b) **EXCEPTION AND DISTRIBUTION OF FUNDS.**—

(1) **EXCEPTION.**—For purposes of providing assistance under subsection (a), subsections (c) and (e)(1) of section 722 and subsections (b) and (c) of section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(c) and (e)(1), 11433(b) and (c)) shall not apply.

(2) **DISBURSEMENT.**—The Secretary of Education shall disburse funding provided under subsection (a) to State educational agencies based on need, as determined by the Secretary, and such State educational agencies shall distribute funds to local educational agencies based on demonstrated need, for the purposes of carrying out section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$50,000,000.

TITLE II—HIGHER EDUCATION

SEC. 201. DEFINITIONS.

In this title:

(1) **AFFECTED BORROWER.**—The term “affected borrower” means an individual who—

(A) was in repayment on a loan made, insured, or guaranteed under part B, D, or E of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.; 1087a et seq.; 1087aa et seq.) on August 22, 2005, or enters or entered repayment after August 22, 2005 and before June 30, 2006; and

(B)(i) lives or lived in an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) due to the effects of Hurricane Katrina; or

(ii) worked, as of August 22, 2005, in such an area.

(2) **AFFECTED INSTITUTION.**—The term “affected institution” means an institution of higher education, as defined in section 101 or 102 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002) located in an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina.

(3) **AFFECTED STUDENT.**—The term “affected student” means a student who was enrolled on August 29, 2005 in an affected institution.

(4) **DISTANCE EDUCATION.**—

(A) **IN GENERAL.**—The term “distance education” means a course or program that uses 1 or more of the technologies described in subparagraph (B) to—

(i) deliver instruction to students who are separated from the instructor; and

(ii) support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously.

(B) **INCLUSIONS.**—For the purposes of subparagraph (A), the technologies used may include—

(i) the Internet;

(ii) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

(iii) audio conferencing; or

(iv) video cassette, DVDs, and CD-ROMs, provided that they are used in a course in conjunction with the technologies listed in clauses (i) through (iii).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

SEC. 202. WAIVER AUTHORITY AND MODIFICATIONS TO CERTAIN PROVISIONS OF THE HIGHER EDUCATION ACT OF 1965.

(a) **WAIVER OF GRANT REPAYMENTS BY STUDENTS.**—Notwithstanding section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b), the Secretary shall waive the amounts that students would otherwise be required to return to the Department of Education with respect to any grant assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) for an affected student who was unable to attend, or whose attendance was interrupted, because of the impact of Hurricane Katrina on the student or an affected institution.

(b) **EXTENSION OF PERIOD FOR REPAYMENT OF STUDENT GRANT ASSISTANCE BY AFFECTED INSTITUTIONS.**—An affected institution shall calculate the amount of Federal Pell Grant funds and Federal Supplemental Educational Opportunity Grant funds that the affected institution is required to return in accordance with section 484B of the Higher Education Act of 1965, but the Secretary shall grant an extension until June 30, 2010, for the return of the funds to the Department of Education. If any affected institution does not return such grant funds in full by the July 1, 2010, the Secretary shall work out a repayment schedule with the affected institution that may include payment of interest. The Secretary may assess a penalty for failure to return such grant funds in full by July 1, 2010, or for failure to make a payment in accordance with a repayment schedule.

(c) **TEMPORARY LOAN DEFERMENT FOR AFFECTED STUDENTS WHO DO NOT ENROLL IN ANOTHER INSTITUTION.**—With respect to a loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965, an affected student who does not enroll in another institution of higher education at any time during the period beginning on August 22, 2005, and ending on and June 30, 2006, and is not eligible for an in-school deferment, shall be placed in deferment status for that period.

(d) **EXTENSION OF PERIOD FOR RETURN OF LOAN PROCEEDS TO THE LENDER OR THE PERKINS LOAN FUND BY AFFECTED INSTITUTIONS.**—An affected institution shall calculate the amount to be credited to outstanding balances on loans made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965, but shall have until June 30, 2006 to remit the funds to the appropriate account or lender. If records related to such balances or loans were destroyed or are inaccessible as a result of Hurricane Katrina, affected institutions are encouraged to use additional sources of information regarding such balances or loans,

such as information from lenders and guaranty agencies. In the event an affected institution does not remit such amounts as required under the preceding sentence, the Secretary shall hold the affected student harmless, and shall make a payment on behalf of the affected student and take such action as the Secretary determines necessary to recover the amounts from the affected institution, including interest and penalties, as the Secretary determines appropriate.

(e) **AUTHORITY TO EXCEED ANNUAL LOAN LIMITS.**—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall permit an affected student to exceed the annual loan limits under part B, D, or E of title IV of the Higher Education Act of 1965 by an amount not greater than the applicable loan limit for such student under such part during the period beginning on July 1, 2005 and ending on June 30, 2006.

(f) **WAIVER AUTHORITY TO FACILITATE USE OF FEDERAL WORK-STUDY FUNDS.**—The Secretary is authorized—

(1) to make whatever arrangements the Secretary determines are necessary and feasible in order to transfer Federal work-study funds under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) from an affected institution to an institution of higher education that enrolls an affected student during the 2005–2006 award year; and

(2) with respect to the Federal work-study funds that are transferred to an institution of higher education in accordance with paragraph (1), to waive all of the non-Federal share requirements under such part for the institution of higher education that enrolls the affected student during the 2005–2006 award year.

(g) **FORBEARANCE.**—Notwithstanding the provisions of part B, D, or E of title IV of the Higher Education Act of 1965, a lender, the Secretary, or an institution of higher education is authorized to provide not more than 1 year of forbearance to an affected borrower without documentation.

(h) **PROFESSIONAL JUDGMENT.**—A financial aid administrator shall be considered to be making an adjustment in accordance with section 479A(a) of the Higher Education Act of 1965 (20 U.S.C. 1087tt(a)) if the financial aid administrator makes the adjustment with respect to the calculation of the expected student or parent contribution (or both) for an affected student, or for a student or a parent who resides or resided on August 22, 2005, or was employed on August 22, 2005, in an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina. The financial aid administrator shall adequately document the need for the adjustment. The Secretary is authorized to simplify such documentation for institutions of higher education that receive a significant number of affected students as compared to the total student enrollment at the institution.

(i) **MODIFICATION OF PART A OF TITLE II GRANTS AUTHORIZED.**—The Secretary is authorized to approve modifications to the requirements for Teacher Quality Enhancement Grants for States and Partnerships under part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.), at the request of the grantee—

(1) to assist States and local educational agencies to recruit and retain highly qualified teachers in a school district located in an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina; and

(2) to assist institutions of higher education, as defined in section 101 of such Act

(20 U.S.C. 1001), located in such area to recruit and retain faculty necessary to prepare teachers and provide professional development.

(j) **WAIVER AUTHORITY TO MODIFY AUTHORIZED USES OF TRIO, GEAR-UP, PART A OR B OF TITLE III, AND OTHER GRANTS.**—The Secretary is authorized to modify the required and allowable uses of funds under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq., 1070a–21 et seq.), under part A or B of title III (20 U.S.C. 1057 et seq., 1060 et seq.), and under any other competitive grant program, at the request of an affected institution or other grantee, with respect to affected institutions and other grantees located in an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina.

(k) **AUTHORITY TO EXTEND OR WAIVE REPORTING REQUIREMENTS UNDER SECTION 131(a).**—The Secretary is authorized to extend reporting deadlines or waive reporting requirements under section 131(a) of the Higher Education Act of 1965 (20 U.S.C. 1015(a)) for an affected institution.

(l) **DISTANCE EDUCATION STUDENT AND PROGRAM ELIGIBILITY.**—

(1) **PROGRAM ELIGIBILITY.**—Notwithstanding section 102(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(3)), an institution of higher education, other than a foreign institution, that offers education or training programs principally through distance education shall be considered to meet the definition of an institution of higher education under section 101 or 102 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002) if such institution—

(A) has been evaluated and determined to have the capability to effectively deliver distance education programs by an accrediting agency or association that—

(i) is recognized by the Secretary under part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099a et seq.); and

(ii) has evaluation of distance education programs within the scope of its recognition, as described in section 496(n)(3) of the Higher Education Act of 1965 (20 U.S.C. 1099b(n)(3));

(B) is otherwise eligible to participate in programs authorized under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

(C) has not had its participation in programs under title IV of the Higher Education Act of 1965 suspended or terminated within the previous 5 years; and

(D) has not had, or failed to resolve, an audit finding or program review finding under the Higher Education Act of 1965 during the 2 years preceding the year for which the determination is made that, following any appeal to the Secretary, resulted in the institution being required to repay an amount that is equal to or greater than 25 percent of the total funds the institution received under the programs authorized under title IV of the Higher Education Act of 1965 for the most recent award year.

(2) **STUDENT ELIGIBILITY.**—Notwithstanding any provision of the Higher Education Act of 1965, an affected student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or associate, baccalaureate, or graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.

SEC. 203. GENERAL WAIVER AUTHORITY AND REQUIRED CONSULTATION.

(a) **WAIVER AUTHORITY.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary may

waive or modify any statutory provision of the Higher Education Act of 1965 or any regulation implementing such Act as the Secretary determines necessary in connection with the emergency or major disaster that was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina.

(2) **ACTIONS AUTHORIZED.**—In carrying out paragraph (1), the Secretary is authorized to waive or modify any provision described in paragraph (1) as the Secretary determines necessary to ensure that—

(A) administrative requirements placed on affected students, affected borrowers, institutions of higher education, lenders, guaranty agencies and grantees are minimized to the extent possible without impairing the integrity of the higher education programs under the Higher Education Act of 1965, to ease the burden on such participants; or

(B) institutions of higher education, lenders, guaranty agencies, and other entities participating in the student financial assistance programs under title IV of the Higher Education Act of 1965, that serve an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina, may be granted temporary relief from requirements that are rendered infeasible or unreasonable due to the effects of Hurricane Katrina, including due diligence requirements and reporting deadlines.

(b) **CONSTRUCTION.**—Nothing in this section shall be construed to allow the Secretary to waive or modify any applicable statutory or regulatory requirements prohibiting discrimination in a program or activity, or in employment or contracting, under existing law (in existence on the date of the Secretary's action).

(c) **CONSULTATION.**—Prior to granting any waiver or modification under this section, the Secretary shall consult with the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives with respect to waivers or modifications under this section.

SEC. 204. NOTICE OF WAIVERS, MODIFICATIONS, OR EXTENSIONS.

(a) **IN GENERAL.**—Notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall publish in the Federal Register a notice of the waivers, modifications, or extensions granted under section 202 or 203.

(b) **TERMS AND CONDITIONS.**—The notice described in paragraph (1) shall include information on the waivers, modifications, and extensions granted under section 202 or 203, and shall include the terms and conditions to be applied in lieu of the statutory and regulatory provisions waived, modified, or extended under section 202 or 203, respectively.

TITLE III—EMERGENCY AND DISASTER ASSISTANCE TO INDIVIDUALS WITH DISABILITIES

Subtitle A—Assistance for Children With Disabilities

SEC. 311. DEFINITIONS.

In this subtitle:

(1) **IN GENERAL.**—The terms “child with a disability”, “local educational agency”, “related services”, and “special education” have the meaning given such terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(2) **AFFECTED BY HURRICANE KATRINA.**—The term “affected by Hurricane Katrina”, when used with respect to an individual, means an individual who resides or resided on August 22, 2005 in, or is or was enrolled on August 22,

2005, in a school located in, an area in which the President has declared that a major disaster or emergency exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina.

(3) **INFANT OR TODDLER WITH A DISABILITY.**—The term “infant or toddler with a disability” has the meaning given such term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

SEC. 312. USE OF 2004-2005 NUMBERS OF CHILDREN FOR IDE FUNDING FOR SENDING STATES.

(a) **IN GENERAL.**—In calculating funding under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) for the 2005-2006 school year and the 2006-2007 school year for a State that meets the requirements of subsection (b), the Secretary of Education shall use data from the 2004-2005 school year to determine the number of children in such State for the purposes of—

(1) subsections (a) and (d)(3) of section 611 of the Individuals with Disabilities Education Act (20 U.S.C. 1411(a) and (d)(3));

(2) section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1419), if such State is eligible to receive an allocation under such section; and

(3) section 643(c) of the Individuals with Disabilities Education Act (20 U.S.C. 1443(c)).

(b) **SENDING STATES.**—A State qualifies under this section if such State—

(1) includes an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina; and

(2) for the 2005-2006 school year or 2006-2007 school year, has a net loss of students attending the schools located in the State, as compared with the 2004-2005 school year.

SEC. 313. SUPPORT FOR LOCAL EDUCATIONAL AGENCIES RECEIVING CHILDREN AFFECTED BY HURRICANE KATRINA.

(a) **FLEXIBILITY FOR LOCAL EDUCATIONAL AGENCIES.**—Notwithstanding any other provision of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), for a fiscal year in which funds are appropriated under this section, the Secretary of Education shall provide a portion (as determined by the Secretary) of such funds to an eligible local educational agency for the purpose of providing early intervening services, as described in section 613(f) of such Act (20 U.S.C. 1413(f)), to a student who is affected by Hurricane Katrina—

(1) if the student has not been identified by such agency as needing special education and related services but has been identified as needing additional academic and behavioral support; or

(2) if the student's record of receiving special education and related services are not available but the parent or guardian of the student certifies that the student received special education and related services at the student's preceding school, until such time as an eligibility determination under section 614 of such Act (20 U.S.C. 1414) can be made, except that early intervening services under this paragraph shall not be provided for more than 90 days unless the school and parent or guardian agree that progress is being made toward obtaining the eligibility determination.

(b) **RULE OF CONSTRUCTION.**—In the case of a child with a disability who is affected by Hurricane Katrina and whose records are available to the local educational agency, nothing in this section shall be construed to supersede the transfer provisions of section 614(d)(2)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(2)(C)).

(c) **LIMITATION.**—An eligible local educational agency providing early intervening

services under this section shall ensure that such services do not interfere with the special education and related services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) to a child with a disability who is not affected by Hurricane Katrina and is enrolled in a school served by the eligible local educational agency.

(d) **DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.**—The term “eligible local educational agency” means a local educational agency that enrolls a student who is affected by Hurricane Katrina and who relocates to a school served by the local educational agency.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2006.

Subtitle B—Assistance for Individuals With Disabilities

SEC. 321. REHABILITATION ACT OF 1973.

(a) **DEFINITIONS.**—In this section:

(1) **AFFECTED STATE.**—The term “affected State” means a State that contains an area, or that received a significant number of individuals who resided in an area, in which the President has declared that a major disaster exists.

(2) **EMERGENCY.**—The term “emergency” means an emergency declared by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(3) **INDIVIDUAL WITH A DISABILITY.**—The term “individual with a disability” has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(4) **INDIVIDUAL WITH A DISABILITY AFFECTED BY HURRICANE KATRINA.**—The term “individual with a disability affected by Hurricane Katrina” means an individual with a disability who—

(A) resided on August 22, 2005 in an area in which the President has declared that a major disaster exists; and

(B) resides in an area in which the President has declared that an emergency or major disaster exists.

(5) **MAJOR DISASTER.**—The term “major disaster” means a major disaster declared by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(b) **REALLOTMENTS OF FUNDS.**—

(1) **IN GENERAL.**—In reallocating funds to States under section 110(e)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 730(e)(2)) for fiscal year 2005 the Secretary shall give preference to affected States.

(2) **WAIVERS.**—If the Secretary reallocates funds under section 110(e)(2) of the Rehabilitation Act of 1973 to an affected State for a fiscal year, the State may submit an application to the Commissioner of the Rehabilitation Services Administration requesting a waiver of non-Federal share requirements applicable to programs under title I of such Act (29 U.S.C. 720 et seq.) for that fiscal year. The Commissioner shall develop criteria for granting or denying such applications.

(c) **COMMUNITY DEVELOPMENT APPRENTICESHIPS.**—An affected State that receives reallocated funds as described in subsection (b) may use the funds to pay for apprenticeship programs (which may include training, mentoring, or job shadowing opportunities) that contribute to the economic growth and development of communities, to enable individuals with disabilities affected by Hurricane Katrina to participate in reconstruction or other major disaster assistance activities in the areas in which the individuals resided on August 22, 2005.

SEC. 322. ASSISTIVE TECHNOLOGY ACT OF 1998.

(a) **DEFINITIONS.**—In this section:

(1) **IN GENERAL.**—The terms defined in section 321(c) have the meanings given the terms in that section.

(2) **ASSISTIVE TECHNOLOGY DEVICE.**—The term “assistive technology device” has the meaning given the term in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).

(b) **PROGRAMS.**—An affected State that receives a grant under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003) may submit an application to the Commissioner of the Rehabilitation Services Administration requesting authority, for a 90-day period, to use the funds made available through the grant for device reutilization programs, device loan programs, and device demonstrations, described in that section and for programs that directly provide assistive technology devices purchased by or donated to the State, in order to enable individuals with disabilities affected by Hurricane Katrina to replace assistive technology devices that were damaged or lost in the emergency or major disaster involved. The Commissioner shall develop criteria for approving or denying such applications.

(c) **USE OF FUNDS.**—An affected State that, in accordance with authority received under subsection (b), uses funds made available through such a grant for activities described in subsection (b) during the 90-day period described in subsection (b) may treat such funds as having been used to carry out activities under section 4(e)(2) of the Assistive Technology Act of 1998 (29 U.S.C. 3003(e)(2)), for purposes of meeting the use of funds requirements of section 4(e) of such Act (29 U.S.C. 3003(e)).

(d) **GRANTS.**—

(1) **IN GENERAL.**—The Secretary may make grants to affected States with approved applications under subsection (b) to enable the States to carry out programs described in subsection (b) in order to enable individuals with disabilities affected by Hurricane Katrina to replace assistive technology devices as described in that subsection. In the case of a State that receives a grant under this paragraph, the State may obligate the funds made available through the grant during the 90-day period applicable to the State under subsection (b).

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$2,000,000 for fiscal year 2006, to remain available as necessary to permit obligations described in paragraph (1).

TITLE IV—CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990

SEC. 401. SHORT TITLE.

This title may be cited as the “Child Care Disaster Assistance Act of 2005”.

SEC. 402. WAIVER AUTHORITY TO EXPAND THE AVAILABILITY OF SERVICES UNDER CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.

(a) **AUTHORITY.**—For such period (ending not later than March 31, 2006), and to such extent as the Secretary of Health and Human Services considers to be appropriate, the Secretary may waive the provisions described in subsection (b) for any area with respect to which the President has determined that an emergency, or a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), exists, related to Hurricane Katrina, for the purpose of providing child care services to children orphaned, or of families displaced, as a result of Hurricane Katrina.

(b) **PROVISIONS.**—The provisions referred to in subsection (a) are provisions of the Child

Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)—

(1) relating to income limitations on eligibility to receive child care services for which assistance is provided under such Act;

(2) relating to work requirements applicable to eligibility to receive child care services for which assistance is provided under such Act;

(3) requiring the application of section 658G to States in which an area described in subsection (a) is located;

(4) requiring a copayment or other cost sharing by the families that receive child care services for which assistance is provided under such Act; and

(5) preventing children designated as evacuees from receiving priority for child care services for which assistance is provided under such Act, except that children residing in an area and currently receiving services on August 22, 2005 shall not lose such services in order to accommodate evacuee children.

SEC. 403. TECHNICAL ASSISTANCE AND GUIDANCE.

The Secretary may assist States to provide technical assistance and guidance to child care providers who are licensed and regulated, as applicable, by the States, in order to enable the providers to provide child care services for children and families described in section 402(a).

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to provide for child care services for children and families described in section 402(a) as provided for in section 402, and to carry out section 403, \$112,000,000 for fiscal year 2006.

TITLE V—HEAD START PROGRAMS

SEC. 501. DEFINITIONS.

In this title:

(1) **CHILDREN AFFECTED BY HURRICANE KATRINA.**—The term “children affected by Hurricane Katrina” means a child who is not older than 5 and who resides or resided on August 22, 2005, in an area in which the President has declared that a major disaster exists.

(2) **IMPACTED HEAD START AGENCIES.**—The term “impacted Head Start agency” means a Head Start agency receiving a significant number of children from an area in which a major disaster has been declared.

(3) **MAJOR DISASTER.**—The term “major disaster” means a major disaster declared by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

SEC. 502. INCOME ELIGIBILITY AND DOCUMENTATION WAIVERS.

The Secretary of Health and Human Services shall waive requirements of income eligibility and documentation for children affected by Hurricane Katrina who participate in Head Start programs and Early Head Start programs funded under the Head Start Act.

SEC. 503. TECHNICAL ASSISTANCE, GUIDANCE, AND RESOURCES.

The Secretary shall provide technical assistance, guidance, and resources through the Region 4 and Region 6 offices of the Administration for Children and Families (and may provide technical assistance, guidance, and resources through other regional offices of the Administration, at the request of such offices, that administer impacted Head Start agencies) to Head Start agencies in areas in which a major disaster has been declared, and to impacted Head Start agencies, to assist the agencies involved in providing Head Start services to children affected by Hurricane Katrina.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to provide for Head Start services (including

Early Head Start services) to children affected by Hurricane Katrina as provided for in section 502, and to carry out section 503, \$45,000,000 for fiscal year 2006.

TITLE VI—DEPARTMENT OF EDUCATION INSPECTOR GENERAL AUDIT AND REPORT

SEC. 601. DEPARTMENT OF EDUCATION INSPECTOR GENERAL AUDIT AND REPORT.

(a) **IN GENERAL.**—The Inspector General of the Department of Education (referred to in this section as the “Inspector General”) shall conduct an audit and investigation of each program carried out by the Department of Education that includes response and recovery activities related to Hurricane Katrina.

(b) **WEEKLY REPORT.**—Not less frequently than once a week, the Inspector General shall provide a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives listing the audits and investigations initiated pursuant to subsection (a).

(c) **STATUS REPORT.**—Not later than 6 months after the date of enactment of this section, and biannually thereafter until the audits and investigations described in subsection (a) are complete, the Inspector General shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives on the full status of the activities of the Inspector General under this section.

(d) **COOPERATIVE VENTURES.**—In carrying out this section, the Inspector General is encouraged to enter into cooperative ventures with Inspectors General of other Federal agencies.

Mr. KENNEDY. Mr. President, it is an honor to join the chairman of the HELP Committee, Senator ENZI, in introducing a bill to bring much needed support and relief to students, educators, and schools affected by Hurricane Katrina. The assistance cannot come too soon.

I want to thank the chairman and his staff for all their hard work and for working together with us to deliver this relief as quickly as possible.

We are all familiar with the devastation that hurricanes can cause to communities. In the past, some of the most destructive storms temporarily closed schools in those communities. Yet those closures were fairly limited and brief. In the aftermath of Hurricane Andrew in 1992, the Army, Navy, and National Guard joined in helping to repair classrooms and reopen school doors in about 3 weeks. Last year, Florida schools damaged by Hurricane Charley reopened within a month, and students were quickly back on track in their classrooms.

But Hurricane Katrina became a different type of devastation, and the magnitude of its damage is vastly more extensive.

More than 700 schools and 30 colleges and universities have been damaged and destroyed. Almost all of them have been closed at least temporarily. Many of them will not open until January at the earliest. Some are in danger of not reopening at all.

The number of students affected is staggering. The estimated total popu-

lation of displaced elementary and secondary students is 373,000. Over 100,000 college students have been affected by the disaster, and 18,500 Head Start or Early Head Start children have been affected.

These are not just statistics. From this disaster we have been reminded that we are all part of the American family. And we have a responsibility to help members of that family when they are in need.

Fortunately, America has begun to respond.

School districts across the country have pledged to accommodate displaced students in their schools. Colleges and universities are graciously opening their doors to such students. The Nation is grateful to the school principals and superintendents, and the college presidents and deans who have pledged their help.

But they need help as they struggle to accommodate these students. Congress must do our part to respond, to help these devastated communities get back on their feet and enable students to return to school. We need a response that is as caring and as generous as the American spirit.

Congress has a responsibility to do all it can to support the needs of students, educators, and schools. We need to direct efforts to all stages of education—from early childhood through college. Let's make sure that these elementary and secondary children don't lose a year of education and that these college students can pursue their post-secondary degrees. We need to act quickly to provide the support needed to cope with and overcome this tragedy and rebuild the future.

This bill begins the process by strengthening support for educational institutions affected by Hurricane Katrina. It addresses the needs of early education, elementary and secondary education, higher education, and students with disabilities.

Thousands of young children affected by Katrina need temporary space in safe and healthy settings. We must provide them with quality early childhood programs and facilities, until the children and their families can return to their homes and communities.

The bill facilitates enrollment in Head Start and Early Head Start by waiving income eligibility and other requirements, so that families affected by Katrina will be able to enroll their children more easily. It authorizes funds for affected Head Start centers—providing additional guidance, technical assistance, and resources.

We must do more to provide for elementary and high schools struggling to cope with the harsh reality of the aftermath of Hurricane Katrina. Because of closures and the inability to obtain and maintain records, we need to temporarily postpone reporting requirements at affected schools. We must also provide them with financial support while they are closed to ensure they have the financial stability to reopen.

The bill authorizes the Secretary of Education to waive reporting requirements, assessments, and school improvement and corrective action for states, local educational agencies, and schools affected by Hurricane Katrina.

It directs schools in the declared disaster area to use child count numbers collected during the 2004–2005 academic year in seeking Federal funds for the 2006–2007 school year. The Secretary is authorized to award special school reopening grants to districts and communities significantly affected by Hurricane Katrina. These grants will aid in the effort to retain highly qualified teachers, recover data, establish temporary facilities, and take other related steps necessary to reopen the schools. It also provides funds for after-school services and supplemental educational services to states affected by Hurricane Katrina.

In addition, we need to acknowledge the efforts of school districts in Texas, Georgia, Florida, and other States that offer schooling to displaced students. School districts in those States deserve funds to help ease the transition of students into new schools, support basic instruction, and purchase books and materials. We need to help these schools temporarily expand their facilities to avoid overcrowding.

The bill authorizes the Secretary of Education to make payments to local educational agencies that enroll displaced students. To alleviate the demand for qualified teachers, the Secretary is authorized to encourage States to extend temporary reciprocity for certification of school personnel across State lines. Teachers certified as highly qualified in one State will be recognized as meeting this standard in other States as well. The bill also modifies title II of the Higher Education Act to target teacher recruitment and retention efforts to the changing needs of the area.

We must also help college students find temporary relief so they don't lose a semester or a year of college, and give them the financial assistance they need to continue.

Students unable to attend a college because of the disaster will be exempted from returning grant aid under title IV of the Higher Education Act. These students will be able to place outstanding loans in deferment for the remainder of the 2005–2006 academic year. Additionally, financial aid administrators will be encouraged to use greater flexibility in professional judgment in evaluating the needs of college students affected by Hurricane Katrina.

We must also consider the needs of borrowers. College graduates residing in the declared disaster area who lose their jobs deserve temporary relief on their loan repayments. The bill provides a deferment until June, 2006, during which borrowers will not need to pay down the principal on their student loans.

To ease the burdens faced by colleges and universities in the declared dis-

aster area, the Secretary is authorized to waive various Federal reporting requirements for colleges and universities. Schools will have up to 5 years to return unallocated Pell grants and supplemental educational opportunity grants. If needed, the Secretary will be able to work with schools after the deadline to arrange a repayment schedule. The bill offers colleges a flexible timeline for crediting undisbursed student loans. Schools have until the end of the academic year or June 30, 2006, to return such funds.

To assist colleges in enrolling displaced students, the Secretary is authorized to make arrangements to transfer Federal work-study funds from affected institutions to receiving institutions.

Finally, we must not neglect the needs of children with disabilities, teachers, and schools providing special education. Hurricane Katrina has thrown many children and families into a situation of having lost or having no records to document their child's special education experience. In addition, many children who were previously not students under IDEA may very well become students under IDEA. The bill requires schools to provide early intervening services to all children who need academic or mental health support to benefit from school. This will allow the time for children to sort out an individual needs to be identified. The bill also permits States and local education agencies to use data from either the 2005 or 2004 fiscal years for reporting and funding purposes to accommodate enrollment fluctuations and guarantee funding for teachers and schools to remain stable.

States will also be able to guarantee continuing special education services to students who do not relocate to another State. States, under the Development Disabilities Act, will have the flexibility to use funds to replace assistive technology and durable medical equipment for individuals with disabilities, and under the Vocational Rehabilitation Act will have the flexibility to develop apprenticeship programs to educate people with disabilities to be part of reconstruction efforts.

In the weeks and months ahead, we must also focus on rebuilding and reconstructing the schools devastated by the tragedy so that, as soon as possible, children can return to schools fully stocked with the resources they need. We must also consider strategies to encourage students and educators to return to their schools.

Last week, Senator ENZI and I heard moving testimony in the HELP Committee from Dr. Diane Roussel, superintendent of schools in Jefferson Parish in Louisiana. The parish lies south of New Orleans and was in the direct path of Katrina, and the district's schools, students, and teachers were all severely affected by the disaster.

In her closing remarks, Dr. Roussel emphasized the importance, necessity, and urgency of reopening the schools in

her district. When schools reopen, she said, people return. When schools reopen, business returns, and life begins to return to normal.

In the coming days and weeks, we must work to help life return to normal again for the hundreds of thousands of lives affected by Hurricane Katrina. This education bill is an impressive first step. I urge Congress to continue the work we begin today to meet the needs of the entire Gulf Coast community to reopen its schools.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 239—SUPPORTING THE GOALS AND IDEALS OF INFANT MORTALITY AWARENESS MONTH

Mr. MARTINEZ submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 239

Whereas infant mortality refers to the death of a baby before it reaches its first birthday;

Whereas the United States ranks 28th among industrialized nations in the rate of infant mortality;

Whereas in the United States, infant mortality increased in 2002, for the first time in more than 4 decades;

Whereas in 2002 the rate reached 7 deaths per 1,000 live births, which was the first increase since 1958;

Whereas the recent increase is a significant and troubling public health issue, especially for African American families, Native American families, and Hispanic families;

Whereas the infant mortality rate among African American women is more than double that of Caucasian women, according to a report produced by the National Healthy Start Association and by a related group supported by the health department of Allegheny County, in the State of Pennsylvania;

Whereas the Secretary of Health and Human Services has designated 2010, as the year by which certain objectives should be met with respect to the health status of the people of the United States;

Whereas such objectives, known as Healthy People 2010, include an objective regarding a decrease in the rate of infant mortality;

Whereas September 1, 2005, is the beginning of a period of several months during which there will be several national observances that relate to the issue of infant mortality, including the observance of October as Sudden Infant Death Awareness Month and November as Prematurity Awareness Month; and

Whereas it would be appropriate to observe September 2005, as Infant Mortality Awareness Month; Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of Infant Mortality Awareness Month in order to—

(1) increase national awareness of infant mortality and its contributing factors; and

(2) facilitate activities that will assist local communities in their efforts to meet the objective, as established by the Secretary of Health and Human Service in Healthy People 2010, that the rate of infant mortality in the United States be reduced to a rate of not more than 4.5 infant deaths per 1,000 births.

SENATE RESOLUTION 240—EX-PRESSING THE SENSE OF THE SENATE REGARDING MANIFESTATIONS OF ANTI-SEMITISM BY UNITED NATIONS MEMBER STATES AND URGING ACTION AGAINST ANTI-SEMITISM BY UNITED NATIONS OFFICIALS, UNITED NATIONS MEMBER STATES, AND THE GOVERNMENT OF THE UNITED STATES, AND FOR OTHER PURPOSES

Mr. SANTORUM (for himself, Mr. FEINGOLD, Mr. SMITH, Ms. COLLINS, Mr. COLEMAN, Mr. VOINOVICH, Mr. BROWNBACK, Mr. ALLEN, Mr. BURR, Mr. COBURN, Mr. VITTER, Mr. BUNNING, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. MARTINEZ, Mr. DEWINE, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 240

Whereas the Universal Declaration of Human Rights, approved by the United Nations General Assembly in 1948, recognizes that “the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world”;

Whereas United Nations General Assembly Resolution 3379 (1975) concluded that “Zionism is a form of racism and racial discrimination” and the General Assembly, by a vote of 111 to 25, only revoked Resolution 3379 in 1991 in response to strong leadership by the United States and after Israel made its participation in the Madrid Peace Conference conditional upon repeal of the resolution;

Whereas during the 1991 session of the United Nations Commission on Human Rights, the Syrian Ambassador to the United Nations repeated the outrageous “blood libel” that Jews allegedly have killed non-Jewish children to make unleavened bread for Passover and, despite repeated interventions by the Governments of Israel and the United States, this outrageous lie was not corrected in the record of the Commission for many months;

Whereas in March 1997, the Palestinian observer at the United Nations Commission on Human Rights made the contemptible charge that the Government of Israel had injected 300 Palestinian children with HIV (the human immunodeficiency virus, the pathogen that causes AIDS) despite the fact that an Egyptian newspaper had printed a full retraction to its earlier report of the same charges, and the President of the Commission failed to challenge this baseless and false accusation despite the request of the Government of Israel that he do so;

Whereas Israel was denied membership in any regional grouping of the United Nations until the year 2000, which prevented it from being a candidate for any elected positions within the United Nations system until that time, and Israel continues to be denied the opportunity to hold a rotating seat on the Security Council and it is the longest-serving member of the United Nations never to have served on the Security Council although it has been a member of the organization for 56 years;

Whereas Israel continues to be denied the opportunity to serve as a member of the United Nations Commission on Human Rights because it has never been included in a slate of candidates submitted by a regional grouping, and Israel is currently the only member of the Western and Others Group in a conditional status limiting its ability to

caucus with its fellow members of this regional grouping;

Whereas the United Nations has permitted itself to be used as a battleground for political warfare against Israel led by Arab states and others, and 6 of the 10 emergency sessions of the United Nations General Assembly have been devoted to criticisms of and attacks against Israel;

Whereas the goals of the 2001 United Nations World Conference Against Racism were undermined by hateful anti-Jewish rhetoric and anti-Israel political agendas, prompting both Israel and the United States to withdraw their delegations from the Conference;

Whereas in 2004, the United Nations Secretary General acknowledged at the first United Nations-sponsored conference on anti-Semitism, that: “It is clear that we are witnessing an alarming resurgence of this phenomenon in new forms and manifestations. This time, the world must not—cannot—be silent.”;

Whereas in 2004, the United Nations General Assembly’s Third Committee for the first time adopted a resolution on religious tolerance that includes condemnation of anti-Semitism and “recognized with deep concern the overall rise in instances of intolerance and violence directed against members of many religious communities . . . including . . . anti-Semitism . . .”;

Whereas in 2005, the United Nations held an unprecedented session to commemorate the 60th anniversary of the liberation of the Auschwitz concentration camp;

Whereas democratic Israel is annually the object of nearly two dozen redundantly critical resolutions in the United Nations General Assembly, which rarely adopts resolutions relating to specific countries; and

Whereas the viciousness with which Israel is attacked and discriminated against at the United Nations should not be allowed to continue unchallenged: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) welcomes recent attempts by the United Nations Secretary General to address the issue of anti-Semitism;

(B) calls on the leadership of the United Nations to officially and publicly condemn anti-Semitic statements made at all United Nations meetings and hold accountable United Nations member states that make such statements; and

(C) strongly urges the United Nations Educational, Scientific and Cultural Organization (UNESCO) to develop and implement education awareness programs about the Holocaust throughout the world as part of an effort to combat the rise in anti-Semitism and racial, religious, and ethnic intolerance; and

(2) it is the sense of the Senate that—

(A) the President should direct the United States Permanent Representative to the United Nations to continue working toward further reduction of anti-Semitic language and anti-Israel resolutions;

(B) the President should direct the Secretary of State to report on acts of anti-Semitism at the United Nations and United Nations agencies by member states; and

(C) projects funded through the Middle East Partnership Initiative and United States overseas broadcasts should include efforts to educate Arab and Muslim countries about anti-Semitism, religious intolerance, and incitement to violence.

SENATE RESOLUTION 241—DESIGNATING SEPTEMBER 2005, AS “LEUKEMIA, LYMPHOMA, AND MYELOMA AWARENESS MONTH”

Mr. JEFFORDS submitted the following resolution; which was considered and agreed to:

S. RES. 241

Whereas blood-related cancers currently afflict more than 747,000 Americans, with an estimated 114,000 new cases diagnosed each year;

Whereas leukemia, lymphoma, and myeloma will kill an estimated 54,480 people in the United States this year;

Whereas the National Cancer Institute of the National Institute of Health is committed to the elimination of suffering and death due to cancer by the year 2015;

Whereas the Senate is similarly committed to the eradication of blood-related cancers and supports the treatment of people in the United States who suffer from them; and

Whereas the Senate will continue efforts to provide support at all levels for research and other efforts that will lead to a complete cure for leukemia, lymphoma, and myeloma: Now, therefore, be it

Resolved, That the Senate designates September 2005, as “Leukemia, Lymphoma, and Myeloma Awareness Month” to—

(1) enhance the understanding of blood-related cancers;

(2) encourage participation in voluntary activities to support education programs; and

(3) support the funding of research programs to find a cure for blood-related cancers.

SENATE RESOLUTION 242—TO EXPRESS THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD APPOINT AN INDIVIDUAL TO OVERSEE FEDERAL FUNDS FOR THE HURRICANE KATRINA RECOVERY, AND FOR OTHER PURPOSES

Mr. SESSIONS (for himself, Mr. DOMENICI, Mr. FRIST, Mr. STEVENS, Mr. INHOFE, Mr. SANTORUM, Mr. ISAKSON, Mr. BURNS, Mr. BUNNING, Mr. BROWNBACK, Mr. GRAHAM, Mr. ENSIGN, Mr. THOMAS, Mr. MCCONNELL, Mr. CRAPO, Mr. DEMINT, Mr. ALLARD, Mr. GREGG, Mr. ALEXANDER, Mr. ENZI, Mr. MARTINEZ, Mr. GRASSLEY, Mr. BENNETT, Mr. HATCH, Mrs. HUTCHISON, Mr. BOND, Mr. CHAMBLISS, Mr. VOINOVICH, and Mrs. DOLE) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 242

It is the sense of the Senate that the President, in order to efficiently coordinate and monitor spending, avoid duplication, and eliminate waste, fraud, and abuse, shall appoint an individual to oversee all federal work and the obligation of all federally appropriated funds for the purpose of Hurricane Katrina recovery, rehabilitation, and reconstruction.

SENATE RESOLUTION 243—EX-PRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

Mr. TALENT (for himself, Mr. FRIST, Mr. SANTORUM, Mr. MCCONNELL, Mr.

CORNYN, Mr. BROWNBAC, Mr. LOTT, Mr. GRASSLEY, Mr. MARTINEZ, Mr. BUNNING, Mr. ALLEN, Mr. BURNS, Mr. STEVENS, Mr. DEMINT, Mr. THUNE, Mr. ENSIGN, and Mr. KYL) submitted the following resolution; which was considered and agreed to:

S. RES. 243

Whereas on June 26, 2002, a 3-judge panel of the Ninth Circuit Court of Appeals ruled in *Newdow v. United States Congress* that the words "under God" in the Pledge of Allegiance violate the Establishment Clause of the United States Constitution when recited voluntarily by students in public schools;

Whereas on March 4, 2003, the United States Senate passed a resolution disapproving of the Ninth Circuit's decision in *Newdow* by a vote of 94-0;

Whereas on June 14, 2004, the Supreme Court of the United States dismissed the case, citing the plaintiff's lack of standing;

Whereas on January 3, 2005, the same plaintiff and 4 other parents and their minor children filed a second suit in the Eastern District of California challenging the words "under God" in the Pledge of Allegiance;

Whereas on September 14, 2005, the Eastern District of California declined to dismiss the new *Newdow* case, holding that the Ninth Circuit's earlier ruling that the words "under God" in the Pledge of Allegiance violate the Establishment Clause was still binding precedent;

Whereas this country was founded on religious freedom by the Founding Fathers, many of whom were deeply religious;

Whereas the First Amendment to the United States Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the Government from establishing a religion;

Whereas Congress, in 1954, added the words "under God" to the Pledge of Allegiance;

Whereas Congress, in 1954, believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for more than 50 years included references to the United States flag, to our country having been established as a union "under God", and to this country being dedicated to securing "liberty and justice for all";

Whereas the 107th Congress overwhelmingly passed a resolution disapproving of the panel decision of the Ninth Circuit in *Newdow*, and overwhelmingly passed legislation recodifying Federal law that establishes the Pledge of Allegiance in order to demonstrate Congress's opinion that voluntarily reciting the Pledge in public schools is constitutional;

Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954, as recodified in 2002, and as recognized in a resolution in 2003, is a fully constitutional expression of patriotism;

Whereas the National Motto, patriotic songs, United States legal tender, and engravings on Federal buildings also refer to "God"; and

Whereas in accordance with decisions of the United States Supreme Court, public school students are already protected from being compelled to recite the Pledge of Allegiance: Now, therefore, be it

Resolved,

SEC. 1. That the Senate strongly disapproves of the September 14, 2005, decision by the United States District Court for the Eastern District of California in *Newdow*, et al. v. The Congress of the United States of America, et al.

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue

to cooperate fully with the Attorney General in this case in order to vigorously defend the Constitutionality of the Pledge of Allegiance.

SENATE RESOLUTION 244—EX-PRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

Mr. SALAZAR (for himself, Mr. CORZINE, Mr. NELSON of Florida, Mr. PRYOR, and Mr. CONRAD) submitted the following resolution; which was considered and agreed to:

S. RES. 244

Whereas Congress in 1954 added the words "under God" to the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for more than 50 years included references to the U.S. flag, the country, to our country having been established as a union "under God" and to this country being dedicated to securing "liberty and justice for all";

Whereas the Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas this Senate of the 109th Congress believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism;

Whereas patriotic songs, engravings on U.S. legal tender, engravings on Federal buildings also contain general references to "God"; and

Whereas the Congress expects that the U.S. Court of Appeals for the Ninth Circuit will review on appeal the decision of the District Court. Now, therefore, be it

Resolved,

SEC. 1. That the Senate strongly disapproves of the U.S. District Court ruling in *Newdow v. the Congress of United States of America*, et al., holding the Pledge of Allegiance unconstitutional.

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the constitutionality of the Pledge of Allegiance.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1718. Mr. KYL proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

SA 1719. Mr. SHELBY (for Mr. KYL) proposed an amendment to the bill H.R. 2862, *supra*.

SA 1720. Mr. SHELBY (for Mr. BAUCUS) proposed an amendment to the bill H.R. 2862, *supra*.

SA 1721. Mr. SHELBY (for Mr. DURBIN (for himself and Mr. COBURN)) proposed an amendment to the bill H.R. 2862, *supra*.

SA 1722. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill S. 1696, to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes.

SA 1723. Mr. GRASSLEY (for Mr. BOND (for himself and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3649, to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

SA 1724. Mr. KERRY (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 2862, An Act making appropriations

for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

SA 1725. Mr. SHELBY (for Mr. REID) proposed an amendment to the bill H.R. 2862, *supra*.

SA 1726. Mr. BENNETT (for himself and Mr. KOHL) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 1727. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1195, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation.

SA 1728. Mr. FRIST (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 3768, to provide emergency tax relief for persons affected by Hurricane Katrina.

SA 1729. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1730. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2744, *supra*; which was ordered to lie on the table.

SA 1731. Mr. VITTER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1718. Mr. KYL proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 190, after line 14, insert the following:

SEC. 522. UNLAWFUL INTERNET GAMBLING.

(a) **SHORT TITLE.**—This section may be cited as the "Unlawful Internet Gambling Enforcement Act of 2005".

(b) **FINDINGS.**—Congress finds the following:

(1) Internet gambling is primarily funded through personal use of payment system instruments, credit cards, and wire transfers.

(2) The National Gambling Impact Study Commission in 1999 recommended the passage of legislation to prohibit wire transfers to Internet gambling sites or the banks which represent such sites.

(3) Internet gambling is a growing cause of debt collection problems for insured depository institutions and the consumer credit industry.

(c) **PROHIBITION ON ACCEPTANCE OF ANY PAYMENT INSTRUMENT FOR UNLAWFUL INTERNET GAMBLING.**—

(1) **IN GENERAL.**—Chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

"§ 5361. Definitions

"In this subchapter, the following definitions shall apply:

“(1) BET OR WAGER.—The term ‘bet or wager’—

“(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game subject to chance, upon an agreement or understanding that the person or another person will receive something of value in the event of a certain outcome;

“(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

“(C) includes any scheme of a type described in section 3702 of title 28;

“(D) includes any instructions or information pertaining to the establishment or movement of funds in, to, or from an account by the bettor or customer with regard to the business of betting or wagering; and

“(E) does not include—

“(i) any activity governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(a)(47)) for the purchase or sale of securities (as that term is defined in section 3(a)(10) of that Act);

“(ii) any transaction conducted on or subject to the rules of a registered entity or exempt board of trade under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

“(iii) any over-the-counter derivative instrument;

“(iv) any other transaction that—

“(I) is excluded or exempt from regulation under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

“(II) is exempt from State gaming or bucket shop laws under section 12(e) of the Commodity Exchange Act (7 U.S.C. 16(e)) or section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 77bb(a)); or

“(III) is conducted in accordance with the Interstate Horseracing Act of 1978 (15 U.S.C. 3001 et seq.);

“(v) any contract of indemnity or guarantee;

“(vi) any contract for insurance;

“(vii) any deposit or other transaction with an insured institution; or

“(viii) any participation in a simulation sports game, an educational game, or a contest, that—

“(I) is not dependent solely on the outcome of any single sporting event or nonparticipant's singular individual performance in any single sporting event;

“(II) has an outcome that reflects the relative knowledge of the participants, or their skill at physical reaction or physical manipulation (but not chance), and, in the case of a simulation sports game, has an outcome that is determined predominantly by accumulated statistical results of sporting events; and

“(III) offers a prize or award to a participant that is established in advance of the game or contest and is not determined by the number of participants or the amount of any fees paid by those participants.

“(2) BUSINESS OF BETTING OR WAGERING.—The term ‘business of betting or wagering’ does not include a financial transaction provider, or any interactive computer service or telecommunications service.

“(3) DESIGNATED PAYMENT SYSTEM.—The term ‘designated payment system’ means any system utilized by a financial transaction provider that the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, determines, by regulation or order, could be utilized in connection with, or to facilitate, any restricted transaction.

“(4) FINANCIAL TRANSACTION PROVIDER.—The term ‘financial transaction provider’ means a creditor, credit card issuer, financial institution, operator of a terminal at

which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, stored value product transaction, or money transmitting service, or a participant in such network.

“(5) INTERNET.—The term ‘Internet’ means the international computer network of interoperable packet switched data networks.

“(6) INTERACTIVE COMPUTER SERVICE.—The term ‘interactive computer service’ has the same meaning as in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

“(7) RESTRICTED TRANSACTION.—The term ‘restricted transaction’ means any transaction or transmittal involving any credit, funds, instrument, or proceeds described in any paragraph of section 5362 which the recipient is prohibited from accepting under section 5362.

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(9) UNLAWFUL INTERNET GAMBLING.—

“(A) IN GENERAL.—The term ‘unlawful Internet gambling’ means to place, receive, or otherwise knowingly transmit a bet or wager by any means which involves the use, at least in part, of the Internet where such bet or wager is unlawful under any applicable Federal or State law in the State in which the bet or wager is initiated, received, or otherwise made.

“(B) INTRASTATE TRANSACTIONS.—The term ‘unlawful Internet gambling’ does not include placing, receiving, or otherwise transmitting a bet or wager where—

“(i) the bet or wager is placed and received or otherwise made within a single State;

“(ii) the bet or wager is expressly authorized by and placed in accordance with the laws of such State, and such State's laws or regulations include—

“(I) age and location verification requirements reasonably designed to block access to minors and persons located outside of such State; and

“(II) appropriate data security standards to prevent unauthorized access by any person whose age and current location has not been verified in accordance with such State's laws or regulations; and

“(iii) the bet or wager does not violate any provision of the—

“(I) Interstate Horseracing Act (15 U.S.C. 3001 et seq.);

“(II) Professional and Amateur Sports Protection Act (28 U.S.C. 3701 et seq.);

“(III) Gambling Devices Transportation Act (15 U.S.C. 1171 et seq.); or

“(IV) Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

“(C) INTERMEDIATE ROUTING.—The intermediate routing of electronic data shall not determine the location or locations in which a bet or wager is initiated, received, or otherwise made.

“(10) OTHER TERMS.—

“(A) CREDIT; CREDITOR; CREDIT CARD; AND CARD ISSUER.—The terms ‘credit’, ‘creditor’, ‘credit card’, and ‘card issuer’ have the same meanings as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

“(B) ELECTRONIC FUND TRANSFER.—The term ‘electronic fund transfer’—

“(i) has the same meaning as in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a et seq.), except that such term includes transfers that would otherwise be excluded under section 903(6)(E) (15 U.S.C. 1693a(6)(E)) of that Act; and

“(ii) includes any fund transfer covered by Article 4A of the Uniform Commercial Code, as in effect in any State.

“(C) FINANCIAL INSTITUTION.—The term ‘financial institution’ has the same meaning as in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a et seq.), except that

such term does not include a casino, sports book, or other business at or through which bets or wagers may be placed or received.

“(D) INSURED INSTITUTION.—The term ‘insured institution’ means—

“(i) an insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

“(ii) an insured credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752(7)).

“(E) MONEY TRANSMITTING BUSINESS AND MONEY TRANSMITTING SERVICE.—The terms ‘money transmitting business’ and ‘money transmitting service’ have the same meanings as in section 5330(d) (determined without regard to any regulations issued by the Secretary thereunder).

“§ 5362. Prohibition on acceptance of any financial instrument for unlawful Internet gambling

“No person engaged in the business of betting or wagering may knowingly accept, in connection with the participation of another person in unlawful Internet gambling—

“(1) credit, or the proceeds of credit, extended to or on behalf of such other person (including credit extended through the use of a credit card);

“(2) an electronic fund transfer, or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of such other person;

“(3) any check, draft, or similar instrument which is drawn by or on behalf of such other person and is drawn on or payable at or through any financial institution; or

“(4) the proceeds of any other form of financial transaction, as the Secretary may prescribe by regulation, which involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of such other person.

“§ 5363. Policies and procedures to identify and prevent restricted transactions

“(a) REGULATIONS.—Not later than 270 days after the date of enactment of this subchapter, the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, shall prescribe regulations requiring each designated payment system, and all participants therein, to identify and prevent restricted transactions through the establishment of policies and procedures reasonably designed to—

“(1) allow the payment system and any person involved in the payment system to identify restricted transactions by means of codes in authorization messages or by other means;

“(2) block restricted transactions identified as a result of the policies and procedures developed under paragraph (1); and

“(3) prevent the acceptance of the products or services of the payment system in connection with a restricted transaction.

“(b) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In prescribing regulations under subsection (a), the Secretary shall—

“(1) identify types of policies and procedures, including nonexclusive examples, which would be deemed, as applicable, to be reasonably designed—

“(A) to identify, block, or prevent the acceptance of the products or services with respect to each type of restricted transaction; and

“(B) not to disrupt the legal transactions of persons licensed to engage in the business of betting or wagering;

“(2) to the extent practical, permit any participant in a payment system to choose among alternative means of identifying and

blocking, or otherwise preventing the acceptance of the products or services of the payment system or participant in connection with, restricted transactions; and

“(3) consider exempting restricted transactions from any requirement imposed under such regulations, if the Secretary finds that it is not reasonably practical to identify and block, or otherwise prevent, such transactions without significant disruption of legal business transactions.

“(C) COMPLIANCE WITH PAYMENT SYSTEM POLICIES AND PROCEDURES.—A financial transaction provider shall be considered to be in compliance with the regulations prescribed under subsection (a), if—

“(1) such person relies on and complies with the policies and procedures of a designated payment system of which it is a member or participant to—

“(A) identify and block restricted transactions; or

“(B) otherwise prevent the acceptance of the products or services of the payment system, member, or participant in connection with restricted transactions; and

“(2) such policies and procedures of the designated payment system comply with the requirements of regulations prescribed under subsection (a).

“(d) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTIONS.—A person that is subject to a regulation prescribed or order issued under this subchapter and blocks, or otherwise refuses to honor, a restricted transaction or a transaction that such person reasonably believes to be a restricted transaction, or as a member of a designated payment system relies on the policies and procedures of the payment system, in an effort to comply with regulations prescribed under subsection (a), shall not be liable to any party for such action.

“(e) REGULATORY ENFORCEMENT.—Regulations issued by the Secretary under this subchapter shall be enforced by the Federal functional regulators and the Federal Trade Commission, in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)).

“§ 5364. Civil remedies

“(a) JURISDICTION.—The district courts of the United States shall have original and exclusive jurisdiction to prevent and restrain violations of this subchapter or the rules or regulations issued under this subchapter by issuing appropriate orders in accordance with this section, regardless of whether a prosecution has been initiated under this subchapter.

“(b) PROCEEDINGS.—

“(1) INSTITUTION BY FEDERAL GOVERNMENT.—

“(A) IN GENERAL.—The United States, acting through the Attorney General, or, in the case of rules or regulations issued under this subchapter, through an agency authorized to enforce such regulations in accordance with this subchapter, may institute proceedings under this section to prevent or restrain a violation or a threatened violation of this subchapter or such rules or regulations.

“(B) RELIEF.—Upon application of the United States under this paragraph, the district court may enter a preliminary injunction or an injunction against any person to prevent or restrain a violation or threatened violation of this subchapter or the rules or regulations issued under this subchapter, in accordance with rule 65 of the Federal Rules of Civil Procedure.

“(2) INSTITUTION BY STATE ATTORNEY GENERAL.—

“(A) IN GENERAL.—The attorney general (or other appropriate State official) of a State in which a violation of this subchapter allegedly has occurred or will occur may institute

proceedings under this section to prevent or restrain the violation or threatened violation.

“(B) RELIEF.—Upon application of the attorney general (or other appropriate State official) of an affected State under this paragraph, the district court may enter a preliminary injunction or an injunction against any person to prevent or restrain a violation or threatened violation of this subchapter, in accordance with rule 65 of the Federal Rules of Civil Procedure.

“(3) INDIAN LANDS.—

“(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), for a violation of this subchapter or the rules or regulations issued under this subchapter that is alleged to have occurred, or may occur, on Indian lands (as that term is defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703))—

“(i) the United States shall have the enforcement authority provided under paragraph (1); and

“(ii) the enforcement authorities specified in an applicable Tribal-State compact negotiated under section 11 of the Indian Gaming Regulatory Act (25 U.S.C. 2710) shall be carried out in accordance with that compact.

“(B) RULE OF CONSTRUCTION.—No provision of this section shall be construed as altering, superseding, or otherwise affecting the application of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

“(c) EXPEDITED PROCEEDINGS.—In addition to any proceeding under subsection (b), a district court may, in exigent circumstances, enter a temporary restraining order against a person alleged to be in violation of this subchapter or the rules or regulations issued under this subchapter, upon application of the United States under subsection (b)(1), or the attorney general (or other appropriate State official) of an affected State under subsection (b)(2), in accordance with rule 65(b) of the Federal Rules of Civil Procedure.

“(d) LIMITATION RELATING TO INTERACTIVE COMPUTER SERVICES.—

“(1) IN GENERAL.—Relief granted under this section against an interactive computer service shall—

“(A) be limited to the removal of, or disabling of access to, an online site violating this subchapter, or a hypertext link to an online site violating this subchapter, that resides on a computer server that such service controls or operates, except that the limitation in this subparagraph shall not apply if the service is subject to liability under this section under section 5366;

“(B) be available only after notice to the interactive computer service and an opportunity for the service to appear are provided;

“(C) not impose any obligation on an interactive computer service to monitor its service or to affirmatively seek facts indicating activity violating this subchapter;

“(D) specify the interactive computer service to which it applies; and

“(E) specifically identify the location of the online site or hypertext link to be removed or access to which is to be disabled.

“(2) COORDINATION WITH OTHER LAW.—An interactive computer service that does not violate this subchapter shall not be liable under section 1084 of title 18, except that the limitation in this paragraph shall not apply if an interactive computer service has actual knowledge and control of bets and wagers and—

“(A) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

“(B) owns or controls, or is owned or controlled by, any person who operates, man-

ages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

“(e) FACTORS TO BE CONSIDERED IN CERTAIN CASES.—In considering granting relief under this section against any payment system, or any participant in a payment system that is a financial transaction provider, the court shall consider—

“(1) the extent to which the person extending credit or transmitting funds knew or should have known that the transaction was in connection with unlawful Internet gambling;

“(2) the history of such person in extending credit or transmitting funds when such person knew or should have known that the transaction is in connection with unlawful Internet gambling;

“(3) the extent to which such person has established and is maintaining policies and procedures in compliance with rules and regulations issued under this subchapter;

“(4) the extent to which it is feasible for any specific remedy prescribed as part of such relief to be implemented by such person without substantial deviation from normal business practice; and

“(5) the costs and burdens that the specific remedy will have on such person.

“(f) NOTICE TO REGULATORS AND FINANCIAL INSTITUTIONS.—Before initiating any proceeding under subsection (b), with respect to a violation or potential violation of this subchapter or the rules or regulations issued under this subchapter by any financial transaction provider, the Attorney General, an attorney general (or other appropriate State official) of a State, or an agency authorized to initiate such proceeding under this subchapter, shall—

“(1) notify such person, and the appropriate regulatory agency (as determined in accordance with section 5363(e) for such person) of such violation or potential violation and the remedy to be sought in such proceeding; and

“(2) allow such person not longer than 60 days to implement a remedy for the violation or potential violation, consistent with the factors described in subsection (e), and in conjunction with such action as the appropriate regulatory agency may take, if such person takes reasonable steps within that 60-day period to prevent the occurrence of such violation or potential violation pending implementation of such remedy.

“§ 5365. Criminal penalties

“(a) IN GENERAL.—Whoever violates section 5362 shall be fined under title 18, or imprisoned for not more than 5 years, or both.

“(b) PERMANENT INJUNCTION.—Upon conviction of a person under this section, the court may enter a permanent injunction enjoining such person from placing, receiving, or otherwise making bets or wagers or sending, receiving, or inviting information assisting in the placing of bets or wagers.

“§ 5366. Circumventions prohibited

“Notwithstanding section 5361(2), a financial transaction provider, or any interactive computer service or telecommunications service, may be liable under this subchapter if such person has actual knowledge and control of bets and wagers, and—

“(1) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

“(2) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet

website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

“§ 5367. Rule of construction

“No provision of this subchapter shall be construed as altering, limiting, or extending any Federal or State law or Tribal-State compact prohibiting, permitting, or regulating gambling within the United States.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by adding at the end the following:

“SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

“Sec. 5361. Definitions.

“Sec. 5362. Prohibition on acceptance of any financial instrument for unlawful Internet gambling.

“Sec. 5363. Policies and procedures to identify and prevent restricted transactions.

“Sec. 5364. Civil remedies.

“Sec. 5365. Criminal penalties.

“Sec. 5366. Circumventions prohibited.

“Sec. 5367. Rule of construction.”

(d) INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS.—

(1) IN GENERAL.—In deliberations between the United States Government and any other country on money laundering, corruption, and crime issues, the United States Government should—

(A) encourage cooperation by foreign governments and relevant international fora in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes;

(B) advance policies that promote the cooperation of foreign governments, through information sharing or other measures, in the enforcement of this Act; and

(C) encourage the Financial Action Task Force on Money Laundering, in its annual report on money laundering typologies, to study the extent to which Internet gambling operations are being used for money laundering purposes.

(2) REPORT REQUIRED.—The Secretary of the Treasury shall submit an annual report to Congress on any deliberations between the United States and other countries on issues relating to Internet gambling.

SA 1719. Mr. SHELBY (for Mr. KYL) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:.

On page 120, line 24, after the colon insert the following: “*Provided further*, That of the funds provided under this heading, \$5,000,000 may be expended for hiring officers in the Southwest United States dedicated to the investigation of manufacturers of fraudulent Federal identity documents, Federal travel documents, or documents allowing access to Federal programs.”.

SA 1720. Mr. SHELBY (for Mr. BAUCUS) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:.

On page 147, line 5, strike “\$283,985,000” and all that follows through line 6 and insert the

following: \$483,985,000, to remain available until expended: *Provided*, That \$200,000,000 shall be for assistance described in section 209(c)(2) of that Act (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

On page 147, line 10, strike “\$30,939,000: *Provided*” and insert the following: \$40,939,000: *Provided*, That \$10,000,000 shall be for salaries and expenses of carrying out section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress): *Provided further*

SA 1721. Mr. SHELBY (for Mr. DURBIN (for himself and Mr. COBURN)) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:.

At the appropriate place, insert the following:

SEC. ____ . WAIVER OF LICENSING AND CERTIFICATION REQUIREMENTS APPLICABLE TO CERTAIN HEALTH PROFESSIONALS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an eligible health professional may provide health-related services under the medicare, medicaid, or SCHIP program under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., and 1397 et seq.) and under Indian Health Service programs, regardless of the licensing or certification laws of the State in which such services are being provided, during the 90-day period that begins on the date on which eligibility is determined by the State licensing board of the State in which such professional will provide health-related services under this subsection.

(b) ELIGIBLE HEALTH PROFESSIONAL.—To be eligible to provide health-related services in a State during the period referred to in subsection (a) without State licensure or certification, a health professional shall—

(1) be a physician, nurse, dentist, pharmacist, mental health professional, or allied health profession, or any other professional determined appropriate by the Secretary of Health and Human Services;

(2) have a valid license from, or be certified in, at least one of the States affected by Hurricane Katrina, as described in subsection (d), and not be affirmatively barred from practicing in that State;

(3) have been evacuated from Louisiana or Mississippi as a result of Hurricane Katrina; and

(4) have applied, prior to March 31, 2006, for a license or certification in the State in which such professional will provide the health-related services under subsection (a) without State licensure or certification.

(c) EVIDENCE OF LICENSURE.—

(1) IN GENERAL.—A State may develop a process to verify the licensing credentials of a health professional to which this section applies if the professional has no official evidence of licensure in his or her possession.

(2) FRAUD.—An individual who willfully provides any false or misleading information to a Federal, State, or local official for purposes of being covered under the provisions of this section shall, in addition to any State penalties that may apply, be subject to a fine, as determined appropriate by the Attorney General in accordance with title 18, United States Code.

(d) STATES DESCRIBED.—The States described in this subsection are Louisiana and Mississippi.

(e) LIMITATION.—A health professional may only elect to utilize the provisions of this section for a single 90-day period.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering or affecting any procedures adopted by State health professional licensing or certification boards relating to waivers of licensing and certification requirements for health professionals affected by Hurricane Katrina.

(g) DEFINITION.—In this section, the term “health-related services”, as such term is applied to health professional under this section, means services provided by a health professional that are consistent with the scope of practice of the professional in the State in which such professional is seeking licensure or certification.

SA 1722. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill S. 1696, to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Hurricane Katrina Tax Relief Act of 2005”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

Sec. 2. Hurricane Katrina disaster area.

TITLE I—PENALTY FREE USE OF RETIREMENT FUNDS BY NATURAL DISASTER VICTIMS

Sec. 101. Penalty free withdrawals from retirement plans for victims of federally declared natural disasters.

Sec. 102. Income averaging for disaster-relief distributions related to Hurricane Katrina.

Sec. 103. Reconstructions of withdrawals for home purchases cancelled due to Hurricane Katrina.

Sec. 104. Loans from qualified plans to victims of Hurricane Katrina.

Sec. 105. Provisions relating to plan amendments.

TITLE II—EMPLOYMENT RELIEF

Sec. 201. Work opportunity tax credit for Hurricane Katrina employee survivors.

Sec. 202. Employee retention credit for employers affected by Hurricane Katrina.

TITLE III—CHARITABLE GIVING INCENTIVES

Sec. 301. Temporary increase in limitation on individual and corporate charitable cash contributions.

Sec. 302. Tax-free distributions from individual retirement accounts for charitable purposes.

Sec. 303. Charitable deduction for contributions of food inventories.

Sec. 304. Charitable deduction for contributions of book inventories.

Sec. 305. Additional personal exemption amount for Hurricane Katrina houseguest.

Sec. 306. Increase in standard mileage rate for charitable use of passenger automobile.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

- Sec. 401. Exclusions of certain cancellations of indebtedness for victims of Hurricane Katrina.
- Sec. 402. Modification to casualty loss rules for victims of Hurricane Katrina.
- Sec. 403. Required exercise of authority under section 7508A for tax relief for victims of Hurricane Katrina.
- Sec. 404. Special mortgage financing rules for residences located in Hurricane Katrina disaster area.
- Sec. 405. Extension of replacement period for nonrecognition of gain for property located in Hurricane Katrina disaster area.
- Sec. 406. Special rule for determining earned income.
- Sec. 407. Secretarial authority to make adjustments regarding taxpayer and dependency status.

TITLE V—ADDITIONAL PROVISIONS

Sec. 501. Disclosure to State officials of proposed actions related to exempt organizations.

Sec. 502. Dedication and use of certain fees.

SEC. 2. HURRICANE KATRINA DISASTER AREA.

For purposes of this Act, the term “Hurricane Katrina disaster area” means an area—

(1) with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina, and

(2) which is determined by the President before such date to warrant individual assistance, or individual and public assistance, from the Federal Government under such Act.

TITLE I—PENALTY FREE USE OF RETIREMENT FUNDS BY NATURAL DISASTER VICTIMS

SEC. 101. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS FOR VICTIMS OF FEDERALLY DECLARED NATURAL DISASTERS.

(a) IN GENERAL.—Paragraph (2) of section 72(t) (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

“(G) DISTRIBUTIONS FROM RETIREMENT PLANS TO VICTIMS OF FEDERALLY DECLARED NATURAL DISASTERS.—

“(i) DISTRIBUTION ALLOWED.—Any qualified disaster-relief distribution.

“(ii) AMOUNT DISTRIBUTED MAY BE REPAYED.—

“(I) IN GENERAL.—Any individual who receives a qualified disaster-relief distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was made, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

“(II) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an eligible retirement plan (as so defined) other than an individual retirement plan, then the tax-

payer shall, to the extent of the amount of the contribution, be treated as having received the qualified disaster-relief distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

“(III) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, the qualified disaster-relief distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

“(IV) APPLICATION TO GOVERNMENTAL SECTION 457 PLANS.—In determining whether any distribution is a qualified disaster-relief distribution for purposes of this clause, an eligible deferred compensation plan (as defined in section 457(b)) maintained by an employer described in section 457(e)(1)(A) shall be treated as a qualified retirement plan.

“(iii) QUALIFIED DISASTER-RELIEF DISTRIBUTION.—Except as provided in clause (iv), for purposes of this subparagraph, the term ‘qualified disaster-relief distribution’ means any distribution—

“(I) to an individual who has sustained a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and who has a principal place of abode immediately before the declaration in a qualified disaster area, and

“(II) which is made during the 1-year period beginning on the date such declaration is made.

“(iv) DOLLAR LIMITATION.—

“(I) IN GENERAL.—The term ‘qualified disaster-relief distribution’ shall not include any distributions with respect to any major disaster described in clause (iii)(I) to the extent the aggregate amount of such distributions exceeds \$100,000.

“(II) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual with respect to any such major disaster would (without regard to subclause (I)) be a qualified disaster-relief distribution, a plan shall not be treated as violating any requirement of this title merely because it treats such distribution as a qualified disaster-relief distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of controlled group which includes the employer) to such individual with respect to such major disaster exceeds \$100,000.

“(v) QUALIFIED DISASTER AREA.—For purposes of this subparagraph, the term ‘qualified disaster area’ means an area—

“(I) with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and

“(II) which is determined by the President to warrant individual assistance, or individual and public assistance, from the Federal Government under such Act.”.

(b) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—Paragraph (4) of section 402(c) (relating to eligible rollover distribution) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by inserting at the end the following new subparagraph:

“(D) any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G)).”.

(c) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) is amended by striking “or” at the end of subclause (III), by striking “and” at the end of subclause (IV) and inserting “or”, and by inserting after subclause (IV) the following new subclause:

“(V) the date on which a period referred to in section 72(t)(2)(G)(iii)(II) begins (but only to the extent provided in section 72(t)(2)(G)), and”.

(2) Section 403(b)(7)(A)(ii) is amended by inserting “sustains a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (but only to the extent provided in section 72(t)(2)(G)),” before “or”.

(3) Section 403(b)(11) is amended by striking “or” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, or”, and by inserting after subparagraph (B) the following new subparagraph:

“(C) for distributions to which section 72(t)(2)(G) applies.”.

(4) Section 457(d)(1)(A) is amended by striking “or” at the end of clause (ii), by adding “or” at the end of clause (iii), and by adding at the end the following new clause:

“(iv) in the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), when the participant sustains a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (but only to the extent provided in section 72(t)(2)(G)).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions received after August 28, 2005.

SEC. 102. INCOME AVERAGING FOR DISASTER-RELIEF DISTRIBUTIONS RELATED TO HURRICANE KATRINA.

(a) IN GENERAL.—In the case of any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G) of the Internal Revenue Code of 1986) from a qualified retirement plan (as defined in section 4974(c) of such Code) to a qualified individual, unless the taxpayer elects not to have this section apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(b) SPECIAL RULES.—

(1) APPLICATION TO GOVERNMENTAL SECTION 457 PLANS.—In determining whether any distribution is a qualified disaster-relief distribution (as so defined) for purposes of this section, an eligible deferred compensation plan (as defined in section 457(b) of such Code) maintained by an employer described in section 457(e)(1)(A) of such Code shall be treated as a qualified retirement plan (as so defined).

(2) CERTAIN RULES TO APPLY.—Rules similar to the rules of subparagraph (E) of section 408A(d)(3) of such Code shall apply for purposes of this section.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term “qualified individual” means an individual who has sustained a loss as a result of the major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in connection with Hurricane Katrina and who has a principal place of abode immediately before the declaration in a Hurricane Katrina disaster area.

SEC. 103. RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES CANCELLED DUE TO HURRICANE KATRINA.

(a) RECONTRIBUTIONS.—

(1) IN GENERAL.—Any individual who received a qualified distribution may, at any time during the 6-month period beginning on the day after the disaster declaration date,

make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3) of such Code, as the case may be.

(2) TREATMENT OF REPAYMENTS.—

(A) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an eligible retirement plan (as so defined) other than an individual retirement plan (as defined in section 7701(a)(37) of such Code), then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(B) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an individual retirement plan (as so defined), then, to the extent of the amount of the contribution, the qualified distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan (as so defined) in a direct trustee to trustee transfer within 60 days of the distribution.

(b) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED DISTRIBUTION.—The term “qualified distribution” means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F) of the Internal Revenue Code of 1986,

(B) received after February 28, 2005, and before August 29, 2005, and

(C) which was to be used to purchase or construct a principal residence in a Hurricane Katrina disaster area, but which was not so purchased or constructed.

(2) DISASTER DECLARATION DATE.—The term “disaster declaration date” means the date on which the President designated the area as a Hurricane Katrina disaster area.

SEC. 104. LOANS FROM QUALIFIED PLANS TO VICTIMS OF HURRICANE KATRINA.

(a) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual (as defined in section 102(c)) made after the date of enactment of this Act and before the date which is 1 year after the disaster declaration date (as defined in section 103(b)(2))—

(1) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting “\$100,000” for “\$50,000”, and

(2) clause (ii) of such section shall be applied by substituting “the present value of the nonforfeitable accrued benefit of the employee under the plan” for “one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan”.

(b) DELAY OF REPAYMENT.—In the case of a qualified individual (as defined in section 102(c)) with an outstanding loan on or after August 26, 2005, from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

(1) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning after August 29, 2005, and ending before August 30, 2006, such due date shall be delayed for 1 year,

(2) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(3) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, such period shall be disregarded.

SEC. 105. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any plan or contract amendment such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A).

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

TITLE II—EMPLOYMENT RELIEF

SEC. 201. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEE SURVIVORS.

(a) IN GENERAL.—For purposes of section 51 of the Internal Revenue Code of 1986, a Hurricane Katrina employee survivor shall be treated as a member of a targeted group.

(b) HURRICANE KATRINA EMPLOYEE SURVIVOR.—For purposes of this section, the term “Hurricane Katrina employee survivor” means any individual who is certified as an individual who—

(1) on August 28, 2005, had a principal place of abode in a Hurricane Katrina disaster area, and

(2) became unemployed as a result of Hurricane Katrina.

(c) SPECIAL RULES FOR DETERMINING CREDIT.—For purposes of applying subpart F of part IV of subchapter A of chapter 1 of such Code to wages paid or incurred to any Hurricane Katrina employee survivor—

(1) section 51(c)(4) of such Code shall not apply,

(2) notwithstanding section 51(d)(12) of such Code, the certification under subsection

(b) shall be made in such manner and at such time as determined by the Secretary of the Treasury, except that the certification shall be made by a person other than the such employee survivor or the employer (within the meaning of section 51 of such Code), and

(3) section 51(i)(2) of such Code shall not apply with respect to the first hire of such employee survivor, unless such employee survivor was an employee of the employer on August 28, 2005.

(d) APPLICATION OF SECTION.—This section shall apply to wages (within the meaning on section 51(c) of such Code) paid or incurred to any individual who begins work—

(1) for an employer during the 1-year period beginning on August 29, 2005, or

(2) in the case of an individual who is being hired for a position the principal place of employment of which is located in a Hurricane Katrina disaster area, for any employer during the 3-year period beginning on such date.

SEC. 202. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—In the case of an eligible employer, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for the taxable year an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed \$6,000.

(b) DEFINITIONS.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—The term “eligible employer” means any employer—

(A) which conducted an active trade or business on August 28, 2005, in a Hurricane Katrina disaster area, and

(B) with respect to whom the trade or business described in subparagraph (A) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained in connection with Hurricane Katrina.

(2) ELIGIBLE EMPLOYEE.—The term “eligible employee” means with respect to an eligible employer—

(A) an employee whose principal place of employment on August 28, 2005, with such eligible employer was in a Hurricane Katrina disaster area, or

(B) a Ready Reserve-National Guard employee of such eligible employer who is performing qualified active duty and whose principal place of employment immediately before the date on which such employee began performing such qualified active duty was in a Hurricane Katrina disaster area.

(3) QUALIFIED WAGES.—The term “qualified wages” means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

(A) beginning on the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

(B) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at

such principal place of employment before significant operations have resumed.

(4) **READY RESERVE-NATIONAL GUARD EMPLOYEE.**—The term “Ready Reserve-National Guard employee” means an employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in section 10142 and 10101 of title 10, United States Code and who is performing qualified active duty.

(5) **QUALIFIED ACTIVE DUTY.**—The term “qualified active duty” means—

(A) active duty, other than the training duty specified in section 10147 of title 10, United States Code (relating to training requirements for Ready Reserve), or section 502(a) of title 32, United States Code (relating to required drills and field exercises for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38, United States Code, and

(B) hospitalization incident to such duty.

(c) **CERTAIN RULES TO APPLY.**—For purposes of this section, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) of the Internal Revenue Code of 1986 of the shall apply.

(d) **CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.**—The credit allowed under this section shall be added to the current year business credit under section 38(b) of the Internal Revenue Code of 1986 and shall be treated as a credit allowed under subpart D of part IV of subchapter A of chapter 1 of such Code.

TITLE III—CHARITABLE GIVING INCENTIVES

SEC. 301. TEMPORARY INCREASE IN LIMITATION ON INDIVIDUAL AND CORPORATE CHARITABLE CASH CONTRIBUTIONS.

(a) **IN GENERAL.**—In the case of qualified contributions made during the period beginning on August 29, 2005, and ending on December 31, 2005, in the case of any taxable year which includes any portion of such period—

(1) subsection (b)(1)(A) of section 170 of the Internal Revenue Code of 1986 shall be applied separately—

(A) first without regard to such contributions, and

(B) next with regard to such contributions by substituting “60 percent of the taxpayer’s contribution base less the other contributions allowable under this paragraph for the taxable year” for “50 percent of the taxpayer’s contribution base for the taxable year”, and

(2) subsection (b)(2) of section 170 of such Code shall be applied separately—

(A) first without regard to such contributions, and

(B) next with regard to such contributions by substituting “15 percent of the taxpayer’s taxable income less the other charitable contributions allowable for the taxable year” for “10 percent of the taxpayer’s taxable income”.

(b) **QUALIFIED CONTRIBUTIONS.**—For purposes of this section, the term “qualified contributions” means any charitable contributions (as defined in section 170(c) of such Code) made in cash to an organization described in section 170(b)(1)(A) of such Code.

(c) **APPLICATION OF CARRYOVER RULES.**—For purposes of section 170 of such Code—

(1) qualified contributions shall not be taken into account under section 170(d)(1)(A)(i) of such Code in determining the amount of the deduction allowable under such section with respect to such contributions, and

(2) to the extent qualified contributions increase the amount allowable under section 170 of such Code by reason of subsection (a),

such contributions shall not be taken into account under section 170(d) of such Code.

(d) **FISCAL YEAR TAXPAYERS.**—In the case of a taxpayer whose taxable year ends after August 28, 2005, and before December 31, 2005, subsection (a) shall apply to only the one taxable year that the taxpayer elects.

SEC. 302. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) **IN GENERAL.**—Subsection (d) of section 408 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

“(8) **DISTRIBUTIONS FOR CHARITABLE PURPOSES.**—

“(A) **IN GENERAL.**—No amount shall be includible in gross income by reason of a qualified charitable distribution.

“(B) **QUALIFIED CHARITABLE DISTRIBUTION.**—For purposes of this paragraph, the term ‘qualified charitable distribution’ means any distribution made after August 28, 2005, and before January 1, 2006, from an individual retirement account—

“(i) which is made directly by the trustee—

“(I) to an organization described in section 170(c), or

“(II) to a split-interest entity, and

“(ii) which is made on or after—

“(I) in the case of any distribution described in clause (i)(I), the date that the individual for whose benefit the account is maintained has attained age 70½, and

“(II) in the case of any distribution described in clause (i)(II), the date that such individual has attained age 59½.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

“(C) **CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.**—For purposes of this paragraph—

“(i) **DIRECT CONTRIBUTIONS.**—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

“(ii) **SPLIT-INTEREST GIFTS.**—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

“(D) **APPLICATION OF SECTION 72.**—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts were distributed from all individual retirement accounts treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion on such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

“(E) **SPECIAL RULES FOR SPLIT-INTEREST ENTITIES.**—

“(i) **CHARITABLE REMAINDER TRUSTS.**—Notwithstanding section 664(b), distributions made from a trust described in subparagraph (G)(i) shall be treated as ordinary income in the hands of the beneficiary to whom is paid the annuity described in section 664(d)(1)(A) or the payment described in section 664(d)(2)(A).

“(ii) **POOLED INCOME FUNDS.**—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)) by reason of a qualified charitable distribution to such fund, and all distributions from the fund which are attributable to qualified charitable distributions shall be treated as ordinary income to the beneficiary.

“(iii) **CHARITABLE GIFT ANNUITIES.**—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

“(F) **DENIAL OF DEDUCTION.**—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

“(G) **SPLIT-INTEREST ENTITY DEFINED.**—For purposes of this paragraph, the term ‘split-interest entity’ means—

“(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)) which must be funded exclusively by qualified charitable distributions,

“(ii) a pooled income fund (as defined in section 642(c)(5)), but only if the fund accounts separately for amounts attributable to qualified charitable distributions, and

“(iii) a charitable gift annuity (as defined in section 501(m)(5)).”

(b) **MODIFICATIONS RELATING TO INFORMATION RETURNS BY CERTAIN TRUSTS.**—

(1) **RETURNS.**—Section 6034 (relating to returns by trusts described in section 4947(a)(2) or claiming charitable deductions under section 642(c)) is amended to read as follows:

“SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

“(a) **TRUSTS DESCRIBED IN SECTION 4947(a)(2).**—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

“(b) **TRUSTS CLAIMING A CHARITABLE DEDUCTION UNDER SECTION 642(c).**—

“(1) **IN GENERAL.**—Every trust not required to file a return under subsection (a) but claiming a deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including—

“(A) the amount of the deduction taken under section 642(c) within such year,

“(B) the amount paid out within such year which represents amounts for which deductions under section 642(c) have been taken in prior years,

“(C) the amount for which such deductions have been taken in prior years but which has not been paid out at the beginning of such year,

“(D) the amount paid out of principal in the current and prior years for the purposes described in section 642(c),

“(E) the total income of the trust within such year and the expenses attributable thereto, and

“(F) a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

“(2) **EXCEPTIONS.**—Paragraph (1) shall not apply to a trust for any taxable year if—

“(A) all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries, or

“(B) the trust is described in section 4947(a)(1).”.

(2) INCREASE IN PENALTY RELATING TO FILING OF INFORMATION RETURN BY SPLIT-INTEREST TRUSTS.—Paragraph (2) of section 6652(c) (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new subparagraph:

“(C) SPLIT-INTEREST TRUSTS.—In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that—

“(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

“(ii) in the case of any trust with gross income in excess of \$250,000, the first sentence of paragraph (1)(A) shall be applied by substituting ‘\$100’ for ‘\$20’, and the second sentence thereof shall be applied by substituting ‘\$50,000’ for ‘\$10,000’, and

“(iii) the third sentence of paragraph (1)(A) shall be disregarded.

In addition to any penalty imposed on the trust pursuant to this subparagraph, if the person required to file such return knowingly fails to file the return, such penalty shall also be imposed on such person who shall be personally liable for such penalty.”.

(3) CONFIDENTIALITY OF NONCHARITABLE BENEFICIARIES.—Subsection (b) of section 6104 (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: “In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c).”.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to distributions made after August 28, 2005.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2004.

SEC. 303. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORIES.

(a) IN GENERAL.—Subsection (e) of section 170 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

“(7) APPLICATION OF PARAGRAPH (3) TO CERTAIN CONTRIBUTIONS OF FOOD INVENTORY.—For purposes of this section—

“(A) EXTENSION TO INDIVIDUALS.—In the case of a charitable contribution of apparently wholesome food—

“(i) paragraph (3)(A) shall be applied without regard to whether the contribution is made by a C corporation, and

“(ii) in the case of a taxpayer other than a C corporation, the aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed 10 percent of the taxpayer’s net income for such taxable year from all trades or businesses from which such contributions were made for such taxable year, computed without regard to this section.

“(B) LIMITATION ON REDUCTION.—In the case of a charitable contribution of apparently wholesome food, notwithstanding paragraph (3)(B), the amount of the reduction determined under paragraph (1)(A) shall not exceed the amount by which the fair market value of such property exceeds twice the basis of such property.

“(C) DETERMINATION OF BASIS.—If a taxpayer—

“(i) does not account for inventories under section 471, and

“(ii) is not required to capitalize indirect costs under section 263A,

the taxpayer may elect, solely for purposes of paragraph (3)(B), to treat the basis of any apparently wholesome food as being equal to 25 percent of the fair market value of such food.

“(D) DETERMINATION OF FAIR MARKET VALUE.—In the case of a charitable contribution of apparently wholesome food which is a qualified contribution (within the meaning of paragraph (3), as modified by subparagraph (A) of this paragraph) and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such contribution shall be determined—

“(i) without regard to such internal standards or such lack of market and

“(ii) by taking into account the price at which the same or substantially the same food items (as to both type and quality) are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

“(E) APPARENTLY WHOLESOME FOOD.—For purposes of this paragraph, the term ‘apparently wholesome food’ has the meaning given such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this paragraph.

“(F) APPLICATION.—This paragraph shall apply to contributions made after August 28, 2005, and before January 1, 2006.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after August 28, 2005.

SEC. 304. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES.

(a) IN GENERAL.—Section 170(e)(3) (relating to certain contributions of ordinary income and capital gain property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

“(C) SPECIAL RULE FOR CONTRIBUTIONS OF BOOK INVENTORY FOR EDUCATIONAL PURPOSES.—

“(i) CONTRIBUTIONS OF BOOK INVENTORY.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether—

“(I) the donee is an organization described in the matter preceding clause (i) of subparagraph (A), and

“(II) the property is to be used by the donee solely for the care of the ill, the needy, or infants.

“(ii) AMOUNT OF REDUCTION.—Notwithstanding subparagraph (B), the amount of the reduction determined under paragraph (1)(A) shall not exceed the amount by which the fair market value of the contributed property (as determined by the taxpayer using a bona fide published market price for such book) exceeds twice the basis of such property.

“(iii) QUALIFIED BOOK CONTRIBUTION.—For purposes of this paragraph, the term ‘qualified book contribution’ means a charitable contribution of books, but only if the requirements of clauses (iv) and (v) are met.

“(iv) IDENTITY OF DONEE.—The requirement of this clause is met if the contribution is to an organization—

“(I) described in subclause (I) or (III) of paragraph (6)(B)(i), or

“(II) described in section 501(c)(3) and exempt from tax under section 501(a) (other than a private foundation, as defined in section 509(a), which is not an operating foundation, as defined in section 4942(j)(3)), which is organized primarily to make books available to the general public at no cost or to operate a literacy program.

“(v) CERTIFICATION BY DONEE.—The requirement of this clause is met if, in addition to the certifications required by subparagraph (A) (as modified by this subparagraph), the donee certifies in writing that—

“(I) the books are suitable, in terms of currency, content, and quantity, for use in the donee’s educational programs, and

“(II) the donee will use the books in its educational programs.

“(vi) BONA FIDE PUBLISHED MARKET PRICE.—For purposes of this subparagraph, the term ‘bona fide published market price’ means, with respect to any book, a price—

“(I) determined using the same printing and edition,

“(II) determined in the usual market in which such a book has been customarily sold by the taxpayer, and

“(III) for which the taxpayer can demonstrate to the satisfaction of the Secretary that the taxpayer customarily sold such books in arm’s length transactions within 7 years preceding the contribution of such a book.

“(vii) APPLICATION.—This subparagraph shall apply to contributions made after August 28, 2005, and before January 1, 2006.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after August 28, 2005.

SEC. 305. ADDITIONAL PERSONAL EXEMPTION AMOUNT FOR HURRICANE KATRINA HOUSEGUEST.

(a) IN GENERAL.—In the case of the taxpayer’s taxable year beginning in 2005, the amount allowed as a deduction in computing taxable income of the taxpayer under section 151 of the Internal Revenue Code of 1986 shall be increased by the lesser of—

(1) the product of—

(A) \$500, and

(B) the number of Hurricane Katrina houseguests of the taxpayer, or

(2) \$2,000.

(b) HURRICANE KATRINA HOUSEGUEST.—For purposes of this section, the term “Hurricane Katrina houseguest” means any individual—

(1) who would not otherwise qualify for an exemption amount with respect to the taxpayer for the taxable year,

(2) whose principal place of abode in a Hurricane Katrina disaster area was rendered uninhabitable after August 28, 2005, and

(3) is provided shelter for not less than 60 days after August 28, 2005, and before January 1, 2006, by the taxpayer in the taxpayer’s principal place of abode.

(c) LIMITATION.—No deduction shall be allowed under this section if the taxpayer receives any rent or other amount (from any source) in connection with the providing of such shelter.

SEC. 306. INCREASE IN STANDARD MILEAGE RATE FOR CHARITABLE USE OF PASSENGER AUTOMOBILE.

Notwithstanding section 170(i) of the Internal Revenue Code of 1986, for purposes of computing the deduction under section 170 of such Code for use of a passenger automobile for the period beginning on August 29, 2005, and ending before January 1, 2006, the standard mileage rate shall be 60 percent of the standard mileage rate in effect under section 162(a) of such Code at the time of such use. Any increase under this section shall be rounded to the next highest cent.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

SEC. 401. EXCLUSIONS OF CERTAIN CANCELLATIONS OF INDEBTEDNESS FOR VICTIMS OF HURRICANE KATRINA.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount which (but for this section) would be includible in gross income

by reason of the discharge (in whole or in part) of indebtedness of a natural person by an applicable entity (as defined in section 6050P(c)(1)) if the discharge is by reason of the damage sustained by the taxpayer in connection with Hurricane Katrina.

(b) **EXCEPTION.**—Subsection (a) shall not apply to any indebtedness incurred in connection with a trade or business.

(c) **DENIAL OF DOUBLE BENEFIT.**—The amount excluded from gross income under subsection (a) shall be applied to reduce the tax attributes of the taxpayer as provided in section 108(b) of such Code.

(d) **EFFECTIVE DATE.**—This section shall apply to discharges made on or after August 29, 2005, and before January 1, 2007.

SEC. 402. MODIFICATION TO CASUALTY LOSS RULES FOR VICTIMS OF HURRICANE KATRINA.

In the case of an individual with a personal casualty loss which arises in connection with Hurricane Katrina—

(1) section 165(h)(2)(A) of the Internal Revenue Code of 1986 shall not apply, and

(2) in applying such section to other personal casualty losses during the taxable year, losses to which this section applies shall be disregarded.

SEC. 403. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF FOR VICTIMS OF HURRICANE KATRINA.

(a) **AUTHORITY INCLUDES SUSPENSION OF PAYMENT OF EMPLOYMENT AND EXCISE TAXES.**—Subparagraphs (A) and (B) of section 7508(a)(1) are amended to read as follows:

“(A) Filing any return of income, estate, gift, employment, or excise tax;

“(B) Payment of any income, estate, gift, employment, or excise tax or any installment thereof or of any other liability to the United States in respect thereof.”

(b) **APPLICATION TO VICTIMS OF HURRICANE KATRINA.**—In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, any relief provided by the Secretary of the Treasury under section 7508A of the Internal Revenue Code of 1986 shall be for a period ending not earlier than February 28, 2006, and shall be treated as applying to the filing of returns relating to, and the payment of, employment and excise taxes.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply for any period for performing an act which has not expired before August 29, 2005.

SEC. 404. SPECIAL MORTGAGE FINANCING RULES FOR RESIDENCES LOCATED IN HURRICANE KATRINA DISASTER AREA.

In the case of a residence located in a Hurricane Katrina disaster area, section 143 of the Internal Revenue Code of 1986 shall be applied with the following modifications to financing provided with respect to such residence within 3 years after the date of the disaster declaration:

(1) Subsections (d), (e) and (f) of such section 143 shall be applied as if such residence were a targeted area residence.

(2) Subsection (f)(3) of such section 143 shall be applied without regard to subparagraph (A) thereof.

(3) The limitation under subsection (k)(4) of such section 143 shall be increased (but not above \$150,000) to the extent the qualified home-improvement loan is for the repair of damage caused by Hurricane Katrina.

This section shall apply only with respect to bonds issued after August 28, 2005, and before August 29, 2008.

SEC. 405. EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN FOR PROPERTY LOCATED IN HURRICANE KATRINA DISASTER AREA.

Notwithstanding subsections (g) and (h) of section 1033 of the Internal Revenue Code of

1986, clause (i) of section 1033(a)(2)(B) of such Code shall be applied by substituting “5 years” for “2 years” with respect to property which is compulsorily or involuntarily converted as a result of Hurricane Katrina in a Hurricane Katrina disaster area, but only if substantially all of the use of the replacement property is in such area.

SEC. 406. SPECIAL RULE FOR DETERMINING EARNED INCOME.

(a) **IN GENERAL.**—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year of such taxpayer which includes August 28, 2005, is less than the earned income which is attributable to the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(1) such earned income for the preceding taxable year, for

(2) such earned income for the taxable year which includes August 28, 2005.

(b) **QUALIFIED INDIVIDUAL.**—For purposes of this section, the term “qualified individual” means any individual who was (as of August 28, 2005) a resident of any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(c) **EARNED INCOME.**—For purposes of this section, the term “earned income” has the meaning given such term under section 32(c) of such Code.

(d) **SPECIAL RULES.**—

(1) **APPLICATION TO JOINT RETURNS.**—For purpose of subsection (a), in the case of a joint return for a taxable year which includes August 28, 2005,

(A) such subsection shall apply if either spouse is a qualified individual.

(B) the earned income which is attributable to the taxpayer for the preceding taxable year shall be the sum of the earned income which is attributable to each spouse for such preceding taxable year, and

(C) the substitution described in such subsection shall apply only with respect to earned income which is attributable to a spouse who is a qualified individual.

(2) **UNIFORM APPLICATION OF ELECTION.**—Any election made under subsection (a) shall apply with respect to both section 24(d) and section 32 of such Code.

(3) **ERRORS TREATED AS MATHEMATICAL ERROR.**—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(4) **NO EFFECT ON DETERMINATION OF GROSS INCOME.**—For purposes of the Internal Revenue Code of 1986, gross income shall be determined without regard to any substitution under subsection (a).

SEC. 407. SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.

With respect to taxable years beginning in 2005 or 2006, the Secretary of the Treasury or the Secretary's delegate may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations after Hurricane Katrina or by reason of the receipt of hurricane relief. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

TITLE V—ADDITIONAL PROVISIONS

SEC. 501. DISCLOSURE TO STATE OFFICIALS OF PROPOSED ACTIONS RELATED TO EXEMPT ORGANIZATIONS.

(a) **IN GENERAL.**—Subsection (c) of section 6104 is amended by striking paragraph (2) and inserting the following new paragraphs:

“(2) **DISCLOSURE OF PROPOSED ACTIONS RELATED TO CHARITABLE ORGANIZATIONS.**—

“(A) **SPECIFIC NOTIFICATIONS.**—In the case of an organization to which paragraph (1) applies, the Secretary may disclose to the appropriate State officer—

“(i) a notice of proposed refusal to recognize such organization as an organization described in section 501(c)(3) or a notice of proposed revocation of such organization's recognition as an organization exempt from taxation,

“(ii) the issuance of a letter of proposed deficiency of tax imposed under section 507 or chapter 41 or 42, and

“(iii) the names, addresses, and taxpayer identification numbers of organizations which have applied for recognition as organizations described in section 501(c)(3).

“(B) **ADDITIONAL DISCLOSURES.**—Returns and return information of organizations with respect to which information is disclosed under subparagraph (A) may be made available for inspection by or disclosed to an appropriate State officer.

“(C) **PROCEDURES FOR DISCLOSURE.**—Information may be inspected or disclosed under subparagraph (A) or (B) only—

“(i) upon written request by an appropriate State officer, and

“(ii) for the purpose of, and only to the extent necessary in, the administration of State laws regulating such organizations.

Such information may only be inspected by or disclosed to a person other than the appropriate State officer if such person is an officer or employee of the State and is designated by the appropriate State officer to receive the returns or return information under this paragraph on behalf of the appropriate State officer.

“(D) **DISCLOSURES OTHER THAN BY REQUEST.**—The Secretary may make available for inspection or disclose returns and return information of an organization to which paragraph (1) applies to an appropriate State officer of any State if the Secretary determines that such inspection or disclosure may facilitate the resolution of Federal or State issues relating to the tax-exempt status of such organization.

“(3) **DISCLOSURE WITH RESPECT TO CERTAIN OTHER EXEMPT ORGANIZATIONS.**—Upon written request by an appropriate State officer, the Secretary may make available for inspection or disclosure returns and return information of an organization described in paragraph (2), (4), (6), (7), (8), (10), or (13) of section 501(c) for the purpose of, and to the extent necessary in, the administration of State laws regulating the solicitation or administration of the charitable funds or charitable assets of such organizations. Such information may only be inspected by or disclosed to a person other than the appropriate State officer if such person is an officer or employee of the State and is designated by the appropriate State officer to receive the returns or return information under this paragraph on behalf of the appropriate State officer.

“(4) **USE IN CIVIL JUDICIAL AND ADMINISTRATIVE PROCEEDINGS.**—Returns and return information disclosed pursuant to this subsection may be disclosed in civil administrative and civil judicial proceedings pertaining to the enforcement of State laws regulating such organizations in a manner prescribed by the Secretary similar to that for tax administration proceedings under section 6103(h)(4).

“(5) NO DISCLOSURE IF IMPAIRMENT.—Returns and return information shall not be disclosed under this subsection, or in any proceeding described in paragraph (4), to the extent that the Secretary determines that such disclosure would seriously impair Federal tax administration.

“(6) DEFINITIONS.—For purposes of this subsection—

“(A) RETURN AND RETURN INFORMATION.—The terms ‘return’ and ‘return information’ have the respective meanings given to such terms by section 6103(b).

“(B) APPROPRIATE STATE OFFICER.—The term ‘appropriate State officer’ means—

“(i) the State attorney general,

“(ii) the State tax officer,

“(iii) in the case of an organization to which paragraph (1) applies, any other State official charged with overseeing organizations of the type described in section 501(c)(3), and

“(iv) in the case of an organization to which paragraph (3) applies, the head of an agency designated by the State attorney general as having primary responsibility for overseeing the solicitation of funds for charitable purposes.”.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6103(p)(3) is amended by inserting “and section 6104(c)” after “section” in the first sentence.

(2) Paragraph (4) of section 6103(p) is amended—

(A) in the matter preceding subparagraph (A), by inserting “, or any appropriate State officer (as defined in section 6104(c)),” before “or any other person”;

(B) in subparagraph (F)(i), by inserting “or any appropriate State officer (as defined in section 6104(c)),” before “or any other person”;

(C) in the matter following subparagraph (F), by inserting “, an appropriate State officer (as defined in section 6104(c)),” after “including an agency” each place it appears.

(3) The heading for paragraph (1) of section 6104(c) is amended by inserting “FOR CHARITABLE ORGANIZATIONS” after “RULE”.

(4) Paragraph (2) of section 7213(a) is amended by inserting “or under section 6104(c)” after “6103”.

(5) Paragraph (2) of section 7213A(a) is amended by inserting “or 6104(c)” after “6103”.

(6) Paragraph (2) of section 7431(a) is amended by inserting “(including any disclosure in violation of section 6104(c))” after “6103”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act but shall not apply to requests made before such date.

SEC. 502. DEDICATION AND USE OF CERTAIN FEES.

Notwithstanding section 202(c) of Public Law 108–89, the Secretary of the Treasury may retain and use fees from employee plan and exempt organization letter rulings and determination letters charged under section 7528 of the Internal Revenue Code of 1986—

(1) in fiscal years 2005 and 2006—

(A) for the administration of the provisions of, and amendments made by, this Act,

(B) to provide taxpayer assistance to any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, and

(C) to aid the Internal Revenue Service in repairing, rebuilding, and recovering from the damage to Internal Revenue Service offices, equipment, and support caused by Hurricane Katrina, and

(2) in any fiscal year after 2006—

(A) on oversight, enforcement, and administration by the Tax-Exempt and Govern-

ment Entities Division of the Internal Revenue Service, and

(B) on oversight, enforcement, and administration of section 170 of such Code.

SA 1723. Mr. GRASSLEY (for Mr. BOND (for himself and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3649, to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes; as follows:

SEC. . CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY UNDER SECTION 1102(c)(4)(A) OF PUBLIC LAW 109–59.

Notwithstanding section 1102(c)(4)(A) of Public Law 109–59; 119 Stat. 1144, et seq., or any other provision of law, for fiscal year 2005, obligation authority for funds made available under title I of division H of Public Law 108–447; 118 Stat. 3216 for expenses necessary to discharge the functions of the Secretary of Transportation with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, shall be made available in an amount equal to the funds provided therein: *Provided*, That the additional obligation authority needed to meet the requirements of this section shall be withdrawn from the obligation authority previously distributed to the other programs, projects, and activities funded by the amount deducted under section 117 of title I of division H of Public Law 108–447.

SA 1724. Mr. KERRY (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title V, add the following:

SEC. 5 . SMALL BUSINESS FEES.

(a) FEES.—Section 7(a)(23) of the Small Business Act (15 U.S.C. 636(a)(23)) is amended by striking subparagraph (C) and inserting the following:

“(C) LOWERING OF FEES.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii)—

“(I) the Administrator shall reduce fees paid by small business borrowers and lenders under clauses (i) through (iv) of paragraph (18)(A) and subparagraph (A) of this paragraph; and

“(II) fees paid by small business borrowers and lenders shall not be increased above the levels in effect on the date of enactment of the Consolidated Appropriations Act, 2005.

“(ii) DETERMINATIONS.—A reduction in fees under clause (i) shall occur in any case in which the fees paid by all small business borrowers and by lenders for guarantees under this subsection, or the sum of such fees plus any amount appropriated to carry out this subsection, as applicable, is more than the amount necessary to equal the cost to the Administration of making such guarantees.”.

SA 1725. Mr. SHELBY (for Mr. REID) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 121, line 19, after the semicolon insert “of which not less than \$1,200,000 shall

be for the Federal Bureau of Investigation for processing of background checks for petitions and applications pending before U.S. Citizenship and Immigration Services;”.

SA 1726. Mr. BENNETT (for himself and Mr. KOHL) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On Page 154, line 20, after “Iowa,” insert the following:

“the Steeple Run and West Branch DuPage River Watershed projects in DuPage County, Illinois.”

On page 167, line 22, strike “(a)” through and including “required fee.” on page 170, line 11, and insert the following:

“The Rural Electrification Act of 1936 is amended by inserting after section 315 (7 U.S.C. 940e) the following:

“SEC. 316. EXTENSION OF PERIOD OF EXISTING GUARANTEE.

“(a) IN GENERAL.—Subject to the limitations in this section and the provisions of the Federal Credit Reform Act of 1990, as amended, a borrower of a loan made by the Federal Financing Bank and guaranteed under this Act may request an extension of the final maturity of the outstanding principal balance of such loan or any loan advance thereunder. If the Secretary and the Federal Financing Bank approve such an extension, then the period of the existing guarantee shall also be considered extended.

“(b) LIMITATIONS.—

“(1) FEASIBILITY AND SECURITY.—Extensions under this section shall not be made unless the Secretary first finds and certifies that, after giving effect to the extension, in his judgment the security for all loans to the borrower made or guaranteed under this Act is reasonably adequate and that all such loans will be repaid within the time agreed.

“(2) EXTENSION OF USEFUL LIFE OF COLLATERAL.—Extensions under this section shall not be granted unless the borrower first submits with its request either—

“(A) evidence satisfactory to the Secretary that a Federal or State agency with jurisdiction and expertise has made an official determination, such as through a licensing proceeding, extending the useful life of a generating plant or transmission line pledged as collateral to or beyond the new final maturity date being requested by the borrower, or

“(B) a certificate from an independent licensed engineer concluding, on the basis of a thorough engineering analysis satisfactory to the Secretary, that the useful life of the generating plant or transmission line pledged as collateral extends to or beyond the new final maturity date being requested by the borrower.

“(3) AMOUNT ELIGIBLE FOR EXTENSION.—Extensions under this section shall not be granted if the principal balance extended exceeds the appraised value of the generating plant or transmission line referred to in subsection paragraph (2).

“(4) PERIOD OF EXTENSION.—Extensions under this section shall in no case result in a final maturity greater than 55 years from the time of original disbursement and shall in no case result in a final maturity greater than the useful life of the plant.

“(5) NUMBER OF EXTENSIONS.—Extensions under this section shall not be granted more than once per loan advance.

“(c) FEES.—

“(1) IN GENERAL.—A borrower that receives an extension under this section shall pay a fee to the Secretary which shall be credited

to the Rural Electrification and Telecommunications Loans Program account. Such fees shall remain available without fiscal year limitation to pay the modification costs for extensions.

“(2) AMOUNT.—The amount of the fee paid shall be equal to the modification cost, calculated in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, of such extension.

“(3) PAYMENT.—The borrower shall pay the fee required under this section at the time the existing guarantee is extended by making a payment in the amount of the required fee.”.

SA 1727. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1195, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

On page 20, between lines 13 and 14, insert the following:

(j) PROHIBITION ON PERMITS FOR AQUACULTURE.—

(1) DEFINITIONS.—In this subsection:

(A) AGENCY WITH JURISDICTION TO REGULATE AQUACULTURE.—The term ‘agency with jurisdiction to regulate aquaculture’ means—

- (i) the Department of Agriculture;
- (ii) the Coast Guard;
- (iii) the Department of Commerce;
- (iv) the Environmental Protection Agency;
- (v) the Department of the Interior; and
- (vi) the Corps of Engineers.

(B) REGIONAL FISHERY MANAGEMENT COUNCIL.—The term ‘regional fishery management council’ means a regional fishery management council established under section 302(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)).

(2) PROHIBITION.—The head of an agency with jurisdiction to regulate aquaculture may not issue a permit or license to permit an aquaculture facility located in the exclusive economic zone to operate until after the date on which a bill is enacted into law that—

(A) sets out the type and specificity of the analyses that the head of the agency with jurisdiction to regulate aquaculture shall carry out prior to issuing any such permit or license, including analyses relating to—

- (i) disease control;
- (ii) structural engineering;
- (iii) pollution;
- (iv) biological and genetic impacts;
- (v) access and transportation;
- (vi) food safety; and
- (vii) social and economic impacts of the aquaculture facility on other marine activities, including commercial and recreational fishing; and

(B) requires that a decision to issue such a permit or license be—

(i) made only after the head of the agency that issues the license or permit consults with the Governor of each State located within a 200-mile radius of the aquaculture facility; and

(ii) approved by the regional fishery management council that is granted authority under title III of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) over a fishery in the region in which the aquaculture facility will be located.

SA 1728. Mr. FRIST (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 3768, to provide emergency tax relief for persons affected by Hurricane Katrina; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Hurricane Katrina Tax Relief Act of 2005”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

Sec. 2. Hurricane Katrina disaster area.

TITLE I—PENALTY FREE USE OF RETIREMENT FUNDS IN THE CASE OF NATURAL DISASTERS

Sec. 101. Penalty free withdrawals from retirement plans for victims of federally declared natural disasters.

Sec. 102. Income averaging for disaster-relief distributions related to Hurricane Katrina.

Sec. 103. Recontributions of withdrawals for home purchases cancelled due to Hurricane Katrina.

Sec. 104. Loans from qualified plans to victims of Hurricane Katrina.

Sec. 105. Provisions relating to plan amendments.

TITLE II—EMPLOYMENT RELIEF

Sec. 201. Work opportunity tax credit for Hurricane Katrina employee survivors.

Sec. 202. Employee retention credit for employers affected by Hurricane Katrina.

TITLE III—CHARITABLE GIVING INCENTIVES

Sec. 301. Temporary suspension of limitations on charitable contributions.

Sec. 302. Charitable deduction for contributions of food inventories.

Sec. 303. Charitable deduction for contributions of book inventories.

Sec. 304. Additional exemption for housing Hurricane Katrina displaced individuals.

Sec. 305. Increase in standard mileage rate for charitable use of passenger automobile.

Sec. 306. Mileage reimbursements to charitable volunteers excluded from gross income.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

Sec. 401. Exclusions of certain cancellations of indebtedness for victims of Hurricane Katrina.

Sec. 402. Suspension of certain limitations on personal casualty losses.

Sec. 403. Required exercise of authority under section 7508A for tax relief for victims of Hurricane Katrina.

Sec. 404. Special mortgage financing rules for residences located in Hurricane Katrina disaster area.

Sec. 405. Extension of replacement period for nonrecognition of gain for property located in Hurricane Katrina disaster area.

Sec. 406. Special rule for determining earned income.

Sec. 407. Secretarial authority to make adjustments regarding taxpayer and dependency status.

TITLE V—EMERGENCY REQUIREMENT

Sec. 501. Emergency requirement.

SEC. 2. HURRICANE KATRINA DISASTER AREA.

For purposes of this Act, the term “Hurricane Katrina disaster area” means an area—

(1) with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina, and

(2) which—

(A) except as provided in subparagraph (B), is determined by the President before such date to warrant assistance from the Federal Government under such Act, and

(B) in the case of sections 201 and 202, is determined by the President before such date to warrant individual assistance, or individual and public assistance, from the Federal Government under such Act.

TITLE I—PENALTY FREE USE OF RETIREMENT FUNDS IN THE CASE OF NATURAL DISASTERS

SEC. 101. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS FOR VICTIMS OF FEDERALLY DECLARED NATURAL DISASTERS.

(a) IN GENERAL.—Paragraph (2) of section 72(t) (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

“(G) DISTRIBUTIONS FROM RETIREMENT PLANS TO VICTIMS OF FEDERALLY DECLARED NATURAL DISASTERS.—

“(i) DISTRIBUTION ALLOWED.—Any qualified disaster-relief distribution.

“(ii) AMOUNT DISTRIBUTED MAY BE REPAID.—

“(I) IN GENERAL.—Any individual who receives a qualified disaster-relief distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was made, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

“(II) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an eligible retirement plan (as so defined) other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified disaster-relief distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

“(III) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, the qualified disaster-relief distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

“(IV) APPLICATION TO GOVERNMENTAL SECTION 457 PLANS.—In determining whether any distribution is a qualified disaster-relief distribution for purposes of this clause, an eligible deferred compensation plan (as defined in section 457(b)) maintained by an employer described in section 457(e)(1)(A) shall be treated as a qualified retirement plan.

“(iii) QUALIFIED DISASTER-RELIEF DISTRIBUTION.—Except as provided in clause (iv), for purposes of this subparagraph, the term ‘qualified disaster-relief distribution’ means any distribution—

“(I) to an individual who has sustained a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and who has a principal place of abode immediately before the declaration in a qualified disaster area, and

“(II) which is made during the 1-year period beginning on the date such declaration is made.

“(iv) DOLLAR LIMITATION.—

“(I) IN GENERAL.—The term ‘qualified disaster-relief distribution’ shall not include any distributions for any taxable year to the extent the aggregate amount of such distributions exceeds \$100,000, reduced by the aggregate amounts treated as qualified disaster-relief distributions with respect to such individual for all prior taxable years.

“(II) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual with respect to any such major disaster would (without regard to subclause (I)) be a qualified disaster-relief distribution, a plan shall not be treated as violating any requirement of this title merely because it treats such distribution as a qualified disaster-relief distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds \$100,000.

“(v) QUALIFIED DISASTER AREA.—For purposes of this subparagraph, the term ‘qualified disaster area’ means an area—

“(I) with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina, and

“(II) which is determined by the President before such date to warrant assistance from the Federal Government under such Act.”.

(b) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—Paragraph (4) of section 402(c) (relating to eligible rollover distribution) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by inserting at the end the following new subparagraph:

“(D) any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G)).”.

(c) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) is amended by striking “or” at the end of subclause (III), by striking “and” at the end of subclause (IV) and inserting “or”, and by inserting after subclause (IV) the following new subclause:

“(V) the date on which a period referred to in section 72(t)(2)(G)(iii)(II) begins (but only to the extent provided in section 72(t)(2)(G)), and”.

(2) Section 403(b)(7)(A)(ii) is amended by inserting “sustains a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina (but only to the extent provided in section 72(t)(2)(G)),” before “or”.

(3) Section 403(b)(11) is amended by striking “or” at the end of subparagraph (A), by

striking the period at the end of subparagraph (B) and inserting “, or”, and by inserting after subparagraph (B) the following new subparagraph:

“(C) for distributions to which section 72(t)(2)(G) applies.”.

(4) Section 457(d)(1)(A) is amended by striking “or” at the end of clause (ii), by adding “or” at the end of clause (iii), and by adding at the end the following new clause:

“(iv) in the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), when the participant sustains a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina (but only to the extent provided in section 72(t)(2)(G)).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions received after August 28, 2005.

SEC. 102. INCOME AVERAGING FOR DISASTER-RELIEF DISTRIBUTIONS RELATED TO HURRICANE KATRINA.

(a) IN GENERAL.—In the case of any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G) of the Internal Revenue Code of 1986) from a qualified retirement plan (as defined in section 4974(c) of such Code) to a qualified individual, unless the taxpayer elects not to have this section apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(b) SPECIAL RULES.—

(1) APPLICATION TO GOVERNMENTAL SECTION 457 PLANS.—In determining whether any distribution is a qualified disaster-relief distribution (as so defined) for purposes of this section, an eligible deferred compensation plan (as defined in section 457(b) of such Code) maintained by an employer described in section 457(e)(1)(A) of such Code shall be treated as a qualified retirement plan (as so defined).

(2) CERTAIN RULES TO APPLY.—Rules similar to the rules of subparagraph (E) of section 408A(d)(3) of such Code shall apply for purposes of this section.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term “qualified individual” means an individual who has sustained a loss as a result of the major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in connection with Hurricane Katrina and who has a principal place of abode immediately before the declaration in a Hurricane Katrina disaster area.

SEC. 103. RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES CANCELLED DUE TO HURRICANE KATRINA.

(a) RECONTRIBUTIONS.—

(1) IN GENERAL.—Any individual who received a qualified distribution may, at any time during the 6-month period beginning on the day after the disaster declaration date, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3) of such Code, as the case may be.

(2) TREATMENT OF REPAYMENTS.—

(A) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an eligible

retirement plan (as so defined) other than an individual retirement plan (as defined in section 7701(a)(37) of such Code), then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(B) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an individual retirement plan (as so defined), then, to the extent of the amount of the contribution, the qualified distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan (as so defined) in a direct trustee to trustee transfer within 60 days of the distribution.

(b) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED DISTRIBUTION.—The term “qualified distribution” means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F) of the Internal Revenue Code of 1986.

(B) received after February 28, 2005, and before August 29, 2005, and

(C) which was to be used to purchase or construct a principal residence in a Hurricane Katrina disaster area, but which was not so purchased or constructed.

(2) DISASTER DECLARATION DATE.—The term “disaster declaration date” means the date on which the President designated the area as a Hurricane Katrina disaster area.

SEC. 104. LOANS FROM QUALIFIED PLANS TO VICTIMS OF HURRICANE KATRINA.

(a) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual (as defined in section 102(c)) made after the date of enactment of this Act and before the date which is 1 year after the disaster declaration date (as defined in section 103(b)(2))—

(1) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting “\$100,000” for “\$50,000”, and

(2) clause (ii) of such section shall be applied by substituting “the present value of the nonforfeitable accrued benefit of the employee under the plan” for “one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan”.

(b) DELAY OF REPAYMENT.—In the case of a qualified individual (as defined in section 102(c)) with an outstanding loan on or after August 26, 2005, from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

(1) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning after August 29, 2005, and ending before August 30, 2006, such due date shall be delayed for 1 year,

(2) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(3) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, such period shall be disregarded.

SEC. 105. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any plan or contract amendment such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A).

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

TITLE II—EMPLOYMENT RELIEF**SEC. 201. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEE SURVIVORS.**

(a) IN GENERAL.—For purposes of section 51 of the Internal Revenue Code of 1986, a Hurricane Katrina employee survivor shall be treated as a member of a targeted group.

(b) HURRICANE KATRINA EMPLOYEE SURVIVOR.—For purposes of this section, the term “Hurricane Katrina employee survivor” means any individual who is certified as an individual who—

(1) on August 28, 2005, had a principal place of abode in a Hurricane Katrina disaster area, and

(2) became unemployed as a result of Hurricane Katrina.

(c) SPECIAL RULES FOR DETERMINING CREDIT.—For purposes of applying subpart F of part IV of subchapter A of chapter 1 of such Code to wages paid or incurred to any Hurricane Katrina employee survivor—

(1) section 51(c)(4) of such Code shall not apply,

(2) notwithstanding section 51(d)(12) of such Code, the certification under subsection (b) shall be made in such manner and at such time as determined by the Secretary of the Treasury, except that the certification shall be made by a person other than the such employee survivor or the employer (within the meaning of section 51 of such Code), and

(3) section 51(i)(2) of such Code shall not apply with respect to the first hire of such employee survivor, unless such employee survivor was an employee of the employer on August 28, 2005.

(d) APPLICATION OF SECTION.—This section shall apply to wages (within the meaning on section 51(c) of such Code) paid or incurred to any individual who begins work—

(1) for an employer during the 6-month period beginning on August 29, 2005, or

(2) in the case of an individual who is being hired for a position the principal place of employment of which is located in a Hurricane Katrina disaster area, for any employer during the 2-year period beginning on such date.

SEC. 202. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—In the case of an eligible employer, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for the taxable year an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed \$6,000.

(b) DEFINITIONS.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—The term “eligible employer” means any employer—

(A) which conducted an active trade or business on August 28, 2005, in a Hurricane Katrina disaster area, and

(B) with respect to whom the trade or business described in subparagraph (A) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained in connection with Hurricane Katrina.

(2) ELIGIBLE EMPLOYEE.—The term “eligible employee” means with respect to an eligible employer—

(A) an employee whose principal place of employment on August 28, 2005, with such eligible employer was in a Hurricane Katrina disaster area, or

(B) a Ready Reserve-National Guard employee of such eligible employer who is performing qualified active duty and whose principal place of employment immediately before the date on which such employee began performing such qualified active duty was in a Hurricane Katrina disaster area.

(3) QUALIFIED WAGES.—The term “qualified wages” means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

(A) beginning on the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

(B) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(4) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term “Ready Reserve-National Guard employee” means an employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in section 10142 and 10101 of title 10, United States Code and who is performing qualified active duty.

(5) QUALIFIED ACTIVE DUTY.—The term “qualified active duty” means—

(A) active duty, other than the training duty specified in section 10147 of title 10, United States Code (relating to training requirements for Ready Reserve), or section 502(a) of title 32, United States Code (relat-

ing to required drills and field exercises for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38, United States Code, and

(B) hospitalization incident to such duty.

(c) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) of the Internal Revenue Code of 1986 of the shall apply.

(d) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—The credit allowed under this section shall be added to the current year business credit under section 38(b) of the Internal Revenue Code of 1986 and shall be treated as a credit allowed under subpart D of part IV of subchapter A of chapter 1 of such Code.

TITLE III—CHARITABLE GIVING INCENTIVES**SEC. 301. TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.**

(a) IN GENERAL.—Except as otherwise provided in subsection (b), section 170(b) of the Internal Revenue Code of 1986 shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of subsections (b) and (d) of section 170 of the Internal Revenue Code of 1986.

(b) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170 of such Code—

(1) INDIVIDUALS.—In the case of an individual—

(A) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in paragraph (1) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(B) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of subparagraph (A), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

(2) CORPORATIONS.—In the case of a corporation—

(A) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(B) CARRYOVER.—Rules similar to the rules of paragraph (1)(B) shall apply for purposes of this paragraph.

(c) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 of such Code as does not exceed the qualified contributions made during the taxable year shall not be treated as an itemized deduction for purposes of section 68 of such Code.

(d) QUALIFIED CONTRIBUTIONS.—For purposes of this section, the term “qualified contribution” means any charitable contribution (as defined in section 170(c) of such Code)—

(1) made during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) of such Code (other than an organization described in section 509(a)(3) of such Code), and

(2) with respect to which the taxpayer has elected the application of this section.

In the case of a partnership or S corporation, the election under paragraph (2) shall be made separately by each partner or shareholder.

For purposes of subsection (b)(2), a contribution shall be treated as a qualified contribution only if the contribution is for relief efforts related to Hurricane Katrina.

SEC. 302. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORIES.

(a) IN GENERAL.—Subsection (e) of section 170 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

“(7) APPLICATION OF PARAGRAPH (3) TO CERTAIN CONTRIBUTIONS OF FOOD INVENTORY.—For purposes of this section—

“(A) EXTENSION TO INDIVIDUALS.—In the case of a charitable contribution of apparently wholesome food—

“(i) paragraph (3)(A) shall be applied without regard to whether the contribution is made by a C corporation, and

“(ii) in the case of a taxpayer other than a C corporation, the aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed 10 percent of the taxpayer's net income for such taxable year from all trades or businesses from which such contributions were made for such taxable year, computed without regard to this section.

“(B) LIMITATION ON REDUCTION.—In the case of a charitable contribution of apparently wholesome food, notwithstanding paragraph (3)(B), the amount of the reduction determined under paragraph (1)(A) shall not exceed the amount by which the fair market value of such property exceeds twice the basis of such property.

“(C) DETERMINATION OF BASIS.—If a taxpayer—

“(i) does not account for inventories under section 471, and

“(ii) is not required to capitalize indirect costs under section 263A,

the taxpayer may elect, solely for purposes of paragraph (3)(B), to treat the basis of any apparently wholesome food as being equal to 25 percent of the fair market value of such food.

“(D) DETERMINATION OF FAIR MARKET VALUE.—In the case of a charitable contribution of apparently wholesome food which is a qualified contribution (within the meaning of paragraph (3), as modified by subparagraph (A) of this paragraph) and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such contribution shall be determined—

“(i) without regard to such internal standards or such lack of market and

“(ii) by taking into account the price at which the same or substantially the same food items (as to both type and quality) are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

“(E) APPARENTLY WHOLESOME FOOD.—For purposes of this paragraph, the term ‘apparently wholesome food’ has the meaning given such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this paragraph.

“(F) APPLICATION.—This paragraph shall apply to contributions made after August 28, 2005, and before January 1, 2006.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after August 28, 2005.

SEC. 303. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES.

(a) IN GENERAL.—Section 170(e)(3) (relating to certain contributions of ordinary income and capital gain property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

“(C) SPECIAL RULE FOR CONTRIBUTIONS OF BOOK INVENTORY FOR EDUCATIONAL PURPOSES.—

“(i) CONTRIBUTIONS OF BOOK INVENTORY.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether—

“(I) the donee is an organization described in the matter preceding clause (i) of subparagraph (A), and

“(II) the property is to be used by the donee solely for the care of the ill, the needy, or infants.

“(ii) AMOUNT OF REDUCTION.—Notwithstanding subparagraph (B), the amount of the reduction determined under paragraph (1)(A) shall not exceed the amount by which the fair market value of the contributed property (as determined by the taxpayer using a bona fide published market price for such book) exceeds twice the basis of such property.

“(iii) QUALIFIED BOOK CONTRIBUTION.—For purposes of this paragraph, the term ‘qualified book contribution’ means a charitable contribution of books, but only if the requirements of clauses (iv) and (v) are met.

“(iv) IDENTITY OF DONEE.—The requirement of this clause is met if the contribution is to an organization—

“(I) described in subclause (I) or (III) of paragraph (6)(B)(i), or

“(II) described in section 501(c)(3) and exempt from tax under section 501(a) (other than a private foundation, as defined in section 509(a), which is not an operating foundation, as defined in section 4942(j)(3)), which is organized primarily to make books available to the general public at no cost or to operate a literacy program.

“(v) CERTIFICATION BY DONEE.—The requirement of this clause is met if, in addition to the certifications required by subparagraph (A) (as modified by this subparagraph), the donee certifies in writing that—

“(I) the books are suitable, in terms of currency, content, and quantity, for use in the donee's educational programs, and

“(II) the donee will use the books in its educational programs.

“(vi) BONA FIDE PUBLISHED MARKET PRICE.—For purposes of this subparagraph, the term ‘bona fide published market price’ means, with respect to any book, a price—

“(I) determined using the same printing and edition,

“(II) determined in the usual market in which such a book has been customarily sold by the taxpayer, and

“(III) for which the taxpayer can demonstrate to the satisfaction of the Secretary that the taxpayer customarily sold such books in arm's length transactions within 7 years preceding the contribution of such a book.

“(vii) APPLICATION.—This subparagraph shall apply to contributions made after August 28, 2005, and before January 1, 2006.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after August 28, 2005.

SEC. 304. ADDITIONAL EXEMPTION FOR HOUSING HURRICANE KATRINA DISPLACED INDIVIDUALS.

(a) IN GENERAL.—In the case of taxable years of a natural person beginning in 2005 and 2006, for purposes of the Internal Revenue Code of 1986, taxable income shall be re-

duced by \$500 for each Hurricane Katrina displaced individual of the taxpayer for the taxable year.

(b) LIMITATIONS.—

(1) DOLLAR LIMITATION.—The reduction under subsection (a) shall not exceed \$2,000, reduced by the amount of the reduction under this section for all previous taxable years.

(2) INDIVIDUALS TAKEN INTO ACCOUNT ONLY ONCE.—An individual shall not be taken into account under subsection (a) if such individual was taken into account under such subsection by the taxpayer in any prior taxable year.

(c) HURRICANE KATRINA DISPLACED INDIVIDUAL.—For purposes of this subsection, the term “Hurricane Katrina displaced individual” means, with respect to any taxpayer for any taxable year, a natural person who—

(1) was (as of August 28, 2005) a resident of any Hurricane Katrina disaster area,

(2) is displaced from the person's residence located in the area described in paragraph (1), and

(3) is provided housing free of charge by the taxpayer in the principal residence of the taxpayer for a period of 60 consecutive days which ends in such taxable year.

Such term shall not include the spouse or any dependent of the taxpayer.

SEC. 305. INCREASE IN STANDARD MILEAGE RATE FOR CHARITABLE USE OF PASSENGER AUTOMOBILE.

Notwithstanding section 170(i) of the Internal Revenue Code of 1986, for purposes of computing the deduction under section 170 of such Code for use of a vehicle described in subsection (f)(12)(E)(i) for provision of relief related to Hurricane Katrina for the period beginning on August 29, 2005, and ending before January 1, 2007, the standard mileage rate shall be 70 percent of the standard mileage rate in effect under section 162(a) of such Code at the time of such use. Any increase under this section shall be rounded to the next highest cent.

SEC. 306. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by inserting after section 139A the following new section:

“SEC. 139B. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.

“(a) IN GENERAL.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that the expenses which are reimbursed would be deductible under this chapter if section 274(d) were applied—

“(1) by using the standard business mileage rate established under such section, and

“(2) as if the individual were an employee of an organization not described in section 170(c).

“(b) APPLICATION TO VOLUNTEER SERVICES ONLY.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

“(c) NO DOUBLE BENEFIT.—A taxpayer may not claim a deduction or credit under any other provision of this title with respect to the expenses under subsection (a).

“(d) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).

“(e) TERMINATION.—This section shall not apply to use of a passenger automobile after December 31, 2006.”.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item

relating to section 139A the following new item:

“Sec. 139B. Mileage reimbursements to charitable volunteers”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to the use of a passenger automobile after the date of the enactment of this Act, in taxable years ending after such date.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

SEC. 401. EXCLUSIONS OF CERTAIN CANCELLATIONS OF INDEBTEDNESS FOR VICTIMS OF HURRICANE KATRINA.

(a) **IN GENERAL.**—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of indebtedness of a natural person by an applicable entity (as defined in section 6050P(c)(1)) if the discharge is by reason of the damage sustained by the taxpayer in connection with Hurricane Katrina.

(b) **EXCEPTION.**—Subsection (a) shall not apply to any indebtedness incurred in connection with a trade or business.

(c) **DENIAL OF DOUBLE BENEFIT.**—The amount excluded from gross income under subsection (a) shall be applied to reduce the tax attributes of the taxpayer as provided in section 108(b) of such Code.

(d) **EFFECTIVE DATE.**—This section shall apply to discharges made on or after August 29, 2005, and before January 1, 2007.

SEC. 402. SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.

Paragraphs (1) and (2)(A) of section 165(h) of the Internal Revenue Code of 1986 shall not apply to losses described in section 165(c)(3) of such Code which are attributable to Hurricane Katrina. In the case of any other losses, section 165(h)(2)(A) of such Code shall be applied without regard to the losses referred to in the preceding sentence.

SEC. 403. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF FOR VICTIMS OF HURRICANE KATRINA.

(a) **AUTHORITY INCLUDES SUSPENSION OF PAYMENT OF EMPLOYMENT AND EXCISE TAXES.**—Subparagraphs (A) and (B) of section 7508(a)(1) are amended to read as follows:

“(A) Filing any return of income, estate, gift, employment, or excise tax;

“(B) Payment of any income, estate, gift, employment, or excise tax or any installment thereof or of any other liability to the United States in respect thereof;”.

(b) **APPLICATION TO VICTIMS OF HURRICANE KATRINA.**—In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, any relief provided by the Secretary of the Treasury under section 7508A of the Internal Revenue Code of 1986 shall be for a period ending not earlier than February 28, 2006, and shall be treated as applying to the filing of returns relating to, and the payment of, employment and excise taxes.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply for any period for performing an act which has not expired before August 29, 2005.

SEC. 404. SPECIAL MORTGAGE FINANCING RULES FOR RESIDENCES LOCATED IN HURRICANE KATRINA DISASTER AREA.

In the case of a residence located in a Hurricane Katrina disaster area which replaces a residence destroyed by Hurricane Katrina or which is being repaired for damage caused by Hurricane Katrina, section 143 of the Internal Revenue Code of 1986 shall be applied with the following modifications to financing provided with respect to such residence

within 3 years after the date of the disaster declaration:

(1) Subsections (d) of such section 143 shall be applied as if such residence were a targeted area residence.

(2) The limitation under subsection (k)(4) of such section 143 shall be increased (but not above \$150,000) to the extent the qualified home-improvement loan is for the repair of damage caused by Hurricane Katrina.

This section shall apply only with respect to bonds issued after August 28, 2005, and before August 29, 2008.

SEC. 405. EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN FOR PROPERTY LOCATED IN HURRICANE KATRINA DISASTER AREA.

Notwithstanding subsections (g) and (h) of section 1033 of the Internal Revenue Code of 1986, clause (i) of section 1033(a)(2)(B) of such Code shall be applied by substituting “5 years” for “2 years” with respect to property which is compulsorily or involuntarily converted as a result of Hurricane Katrina in a Hurricane Katrina disaster area, but only if substantially all of the use of the replacement property is in such area.

SEC. 406. SPECIAL RULE FOR DETERMINING EARNED INCOME.

(a) **IN GENERAL.**—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year of such taxpayer which includes August 28, 2005, is less than the earned income which is attributable to the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(1) such earned income for the preceding taxable year, for

(2) such earned income for the taxable year which includes August 28, 2005.

(b) **QUALIFIED INDIVIDUAL.**—For purposes of this section, the term “qualified individual” means any individual whose principal place of abode was (as of August 28, 2005) in any Hurricane Katrina disaster area.

(c) **EARNED INCOME.**—For purposes of this section, the term “earned income” has the meaning given such term under section 32(c) of such Code.

(d) **SPECIAL RULES.**—

(1) **APPLICATION TO JOINT RETURNS.**—For purpose of subsection (a), in the case of a joint return for a taxable year which includes August 28, 2005,

(A) such subsection shall apply if either spouse is a qualified individual,

(B) the earned income which is attributable to the taxpayer for the preceding taxable year shall be the sum of the earned income which is attributable to each spouse for such preceding taxable year, and

(C) the substitution described in such subsection shall apply only with respect to earned income which is attributable to a spouse who is a qualified individual.

(2) **UNIFORM APPLICATION OF ELECTION.**—Any election made under subsection (a) shall apply with respect to both section 24(d) and section 32 of such Code.

(3) **ERRORS TREATED AS MATHEMATICAL ERROR.**—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(4) **NO EFFECT ON DETERMINATION OF GROSS INCOME.**—For purposes of the Internal Revenue Code of 1986, gross income shall be determined without regard to any substitution under subsection (a).

SEC. 407. SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.

With respect to taxable years beginning in 2005 or 2006, the Secretary of the Treasury or

the Secretary's delegate may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations after Hurricane Katrina or by reason of the receipt of hurricane relief. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

TITLE V—EMERGENCY REQUIREMENT

SEC. 501. EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 1729. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. None of the funds made available by this Act may be used to provide funding to a research facility that purchases animals from a dealer that holds a Class B license under the Animal Welfare Act (7 U.S.C. 2131 et seq.).

SA 1730. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. None of the funds made available by this Act may be used to approve for human consumption under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) any cattle, sheep, swine, or goats, or horses, mules, or other equines that are unable to stand or walk unassisted at a slaughtering, packing, meat-canning, rendering, or similar establishment subject to inspection at the point of examination and inspection under section 3(a) of that Act (21 U.S.C. 603(a)).

SA 1731. Mr. VITTER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under section 801 of the Federal Food, Drug, and Cosmetic Act to prevent an individual not in the business of importing a prescription drug within the meaning of section 801(g) of such Act, wholesalers, or pharmacists from importing a prescription drug which complies with sections 501, 502, and 505 of such Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearings have been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, September 27, 2005 at 10 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1701, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines; and S. 961, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize and reform the Abandoned Mine Reclamation Program, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send a copy of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Karen Billups or Amy Millet.

AUTHORITY FOR COMMITTEES TO
MEETCOMMITTEE ON BANKING, HOUSING AND URBAN
AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 15, 2005, at 10 a.m., to conduct a hearing on the nomination of Mr. Keith E. Gottfried, of California, to be General Counsel of the U.S. Department of Housing and Urban Development; Mr. Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the U.S. and Foreign Commercial Service; Mr. Darryl W. Jackson, of the District of Columbia, to be Assistant Secretary of Commerce; Ms. Kim Kendrick, of the District of Columbia, to be Assistant Secretary of Housing and Urban Development; Mr. Franklin L. Lavin, of Ohio, to be Under Secretary of Commerce for International Trade; Mr. David H. McCormick, of Pennsylvania, to be Under Secretary of Commerce for Export Administration; Mr. Keith A. Nelson, of Texas, to be Assistant Secretary of Housing and Urban Development; and Ms. Darlene F. Williams, of Texas, to be Assistant Secretary of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Com-

mittee on Foreign Relations Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Thursday, September 15, 2005, at 2 p.m. to hold a hearing on U.S.-Indonesia Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, September 15, 2005, at 10:30 a.m. to consider the nominations of Stewart A. Baker to be Assistant Secretary, Department of Homeland Security, and Julie L. Myers to be Assistant Secretary, Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of John G. Roberts to be Chief Justice of the United States on Thursday, September 15, 2005 at 9:30 a.m., in the Hart Senate Office Building Room 216.

Witness List

Panel I: Stephen L. Tober, Esq., Chairman, American Bar Association, Standing Committee on the Federal Judiciary, Portsmouth, NH; Tom Hayward, Esq., Past-Chairman, American Bar Association, Standing Committee on the Federal Judiciary, Chicago, IL; Pamela A. Bresnahan, Esq., DC Circuit Representative, American Bar Association, Washington, DC.

Panel II: The Honorable Dick Thornburgh, Former Attorney General of the United States, Former Governor of Pennsylvania, Counsel, Kirkpatrick & Lockhart Nicholson Graham, Washington, DC; The Honorable John Lewis, United States House of Representatives, D-GA-5th District; Jennifer Cabranes Bracer, Esq., Commissioner, U.S. Commission on Civil Rights and Visiting Fellow at the Independent Women's Forum, Boston, MA; Wade Henderson, Executive Director, Leadership Conference on Civil Rights, Washington, DC; Peter Kirsanow, Esq., Partner, Benesch, Friedlander, Coplay & Aronoff and Commissioner, U.S. Commission on Civil Rights, Cleveland, OH; The Honorable Nathaniel Jones, Retired Judge, U.S. Circuit Court of Appeals to the Sixth Circuit, Of Counsel, Blank Rome LLP, Cincinnati, OH.

Panel III: Maureen E. Mahoney, Esq., Partner, Latham & Watkins, Washington, DC; Carol M. Browner, Former Administrator, U.S. Environmental Protection Agency, Principal, The Albright Group, Washington, DC; Kathryn Webb Bradley, Esq., Senior Lecturing Fellow, Duke Law School, Durham, NC; Anne Marie Tallman, President and General Counsel, Mexican American Legal Defense and Education

Fund, Los Angeles, CA; The Honorable Denise Posse-Blanco Lindberg, Judge, Third Judicial District Court, State of Utah, Salt Lake City, UT; Reginald M. Turner, Jr., President, National Bar Association, Detroit, MI.

Panel IV: Catherine E. Stetson, Esq., Partner, Hogan & Hartson, Washington, DC; Marcia Greenberger, Co-President, National Women's Law Center, Washington, DC; The Honorable Bruce Botelho, Former Attorney General, State of Alaska, Mayor of Juneau, Juneau, AK; Rockerick Jackson, Coach, Ensley High School, Birmingham, AL; Henrietta Wright, Esq., Of Counsel, Goldberg, Godles, Wiener and Wright and Chairman of the Board Dallas Children's Advocacy Center, Dallas, TX; Beverly Jones, Lafayette, TN.

Panel V: The Honorable Charles Fried, Former Solicitor General of the United States, Beneficial Professor of Law, Harvard Law School, Cambridge, MA; Peter B. Edelman, Professor of Law; Co-Director, Joint Degree in Law and Public Policy, Georgetown University Law Center, Washington, DC; Patricia L. Bellia, Professor of Law, Notre Dame Law School, South Bend, IN; Judith Resnik, Arthur Liman Professor of Law, Yale Law School, New Haven, CT; Christopher S. Yoo, Professor of Law, Vanderbilt University Law School, Nashville, TN; David Strauss, Harry N. Wyatt Professor of Law; University of Chicago Law School, Chicago, IL.

Panel VI: Diana Furchtgott-Roth, Senior Fellow, Hudson Institute, Washington, DC; Robert Reich, University Professor and Maurice B. Hexter, Professor of Social and Economic Policy, Brandeis University, Waltham, MA; Rabbi Dale Polakoff, President, Rabbinical Council of America, Great Neck, NY; Susan Thistlethwaite, President, Chicago Theological Seminary, Chicago, IL; The Honorable John Engler, Former Governor of Michigan, President, National Association of Manufacturers, Washington, DC; Karen Pearl, Interim President, Planned Parenthood Federation of America, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, September 15, 2005, to mark up the following bills: Committee Print of S. 1182, Chairman Larry E. Craig, the "Veterans Health Care Improvements Act of 2005," incorporating original provisions and provisions derived from S. 1182, as introduced; S. 1177; S. 1189; and S. 1190; and S. 716, Ranking Member DANIEL K. AKAKA, the "Vet Center Enhancement Act of 2005. The markup will take place in Room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BENNETT. Mr. President, I ask unanimous consent that privilege of the floor be granted to John Ziolkowski, Fitzhugh Elder, Hunter Moorhead, Dianne Preece, Galen Fountain, Jessica Frederick, William Simpson, Tom Gonzales, Luke Johnson, Phil Karsting, as well as Stacy McBride, a detailee from the Food and Drug Administration to the Committee on Appropriations, during consideration of this H.R. 2744.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. FRIST. Mr. President, I will be running through a lot of business which reflects a tremendous amount of work over the last several hours, the last several days, much of it in response directly to the natural disaster of Katrina and its aftermath. There are a number of other bills that I will mention as well as we close tonight.

MEASURES READ THE FIRST TIME—S. 1715 AND S. 1716

Mr. FRIST. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills for the first time en bloc.

The legislative clerk read as follows:

A bill (S. 1715) to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes.

A bill (S. 1716) to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

Mr. FRIST. I now ask for their second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

EMERGENCY TAX RELIEF

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3768, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3768) to provide emergency tax relief for persons affected by Hurricane Katrina.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the substitute amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1728) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (H.R. 3768), as amended, was read the third time and passed.

VITIATION OF ACTION ON S. 1696

Mr. FRIST. Mr. President, I further ask unanimous consent that third reading and passage of S. 1696 be vitiated, and the bill be placed on the Senate Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORT FOR PLEDGE OF ALLEGIANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 243, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 243) Expressing Support for the Pledge of Allegiance.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENSIGN. Mr. President, I rise today to speak about yesterday's court decision which ruled that the Pledge of Allegiance is unconstitutional. I am concerned, but certainly not surprised, with this decision. And I am very concerned with the decision's implications.

It is time for us to take a stand against activist judges who seek to circumvent the will of the American people and who issue judgments flying in the face of decency and common sense. With all that is going on in our world today, to attack the Pledge of Allegiance because it contains a reference to God is ludicrous.

Most Americans were outraged when the Ninth Circuit Court of Appeals ruled that the Pledge of Allegiance was unconstitutional. Last year, the Supreme Court dismissed the case. The Supreme Court said that the plaintiff in the Pledge of Allegiance case did not have standing. The Court found that, because he was not the custodial parent, he could not object to his daughter's reciting the pledge of allegiance in school.

When that decision came down, many people, myself included, knew that it would only be a matter of time before the plaintiff, Michael Newdow, would be back. We were right. Yesterday, the Court, looking to the previous ninth circuit decision, ruled that the use of the simple phrase "under God" was a religious act. The Court found that a school policy involving the recital of the Pledge of Allegiance had a coercive religious effect.

I strongly disagree that the pledge is coercive. I also strongly disagree with

the court's decision. The Pledge of Allegiance, in addition to containing a statement of common values and patriotism, recognizes historic facts behind our Nation's founding. There are so many references in America to God, our Creator. Those references can be seen in our currency, on public buildings, even in the Declaration of Independence which is displayed a few blocks from the Capitol in the National Archives.

This recent decision further emphasizes our Nation's need for judges who are respectful of people of faith and for judges who understand that America's continued reference, and reverence, toward the Creator are very important to our common culture.

Mr. SANTORUM. Mr. President, I rise in support of the resolution expressing the strong disapproval of the Senate to the September 14, 2005, decision by the U.S. District Court for the Eastern District of California in the case of Newdow, et al. v. The Congress of the United States of America, et.al.

This decision is a prime example of why we need to put judges on the bench who will strictly interpret the law and not legislate from the bench. Judges are not politicians. They are on the bench to hear the cases in front of them, not to pursue their own personal political agendas. We need more judges that will decide each case based on the facts and the law, not legislate from the bench.

Like most Americans, those of us who are not serving on the Judiciary Committee have watched intently as President Bush's nominee for Chief Justice of the Supreme Court has stood up to the over 21 hours of questioning. Judge John Roberts has been asked nearly 500 questions, and his responses have added to the more than 76,000 pages of documents concerning his Federal Government service. The hearings themselves have proved to be an incredible civics lesson for the American public, and to some extent the Senate, on the role of judges.

I have been very impressed with Judge Roberts, both when we met and in his considerable response during these hearings. He is a modest and humble man who I believe will be a credit to our judicial system. As he stated in his opening remarks, "[i]t is that rule of law that protects the rights and liberties of all Americans. It is the envy of the world. Because without the rule of law, any rights are meaningless." Judge Roberts believes in judicial restraint, adherence to the rule of law, as well as a posture of modesty and humility in a court.

I believe that Judge Roberts is the kind of judge that America needs—a fair, independent and unbiased judge committed to equal justice under the law. If confirmed, I am convinced that Judge Roberts will strictly interpret the law and not legislate from the bench. As he said yesterday, he does not come to the bench or to a case with an agenda or a platform. In fact, he reminded my colleagues that he was not

a politician, and he is not going to advocate positions on issues to win votes.

Returning to the case at hand, I call on my colleagues to support this resolution. The Pledge of Allegiance is a unifying force in this Nation. It draws all of us, regardless of race, religion, gender, or national origin, together in support of the common good. At a time when we should be uniting to support our troops in Iraq and our neighbors in the Gulf States affected by Hurricane Katrina, it is a shame that an activist court is seeking to divide based on the principle of "I" or "me first," instead of pursuing the selfless principle of the common good. Just last Congress this body came together to support the current Pledge of Allegiance on a 94-0 vote. I hope that we will have the same bipartisan support again for this important issue, and I urge support of this resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 243) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 243

Whereas on June 26, 2002, a 3-judge panel of the Ninth Circuit Court of Appeals ruled in *Newdow v. United States Congress* that the words "under God" in the Pledge of Allegiance violate the Establishment Clause of the United States Constitution when recited voluntarily by students in public schools;

Whereas on March 4, 2003, the United States Senate passed a resolution disapproving of the Ninth Circuit's decision in *Newdow* by a vote of 94-0;

Whereas on June 14, 2004, the Supreme Court of the United States dismissed the case, citing the plaintiff's lack of standing;

Whereas on January 3, 2005, the same plaintiff and 4 other parents and their minor children filed a second suit in the Eastern District of California challenging the words "under God" in the Pledge of Allegiance;

Whereas on September 14, 2005, the Eastern District of California declined to dismiss the new *Newdow* case, holding that the Ninth Circuit's earlier ruling that the words "under God" in the Pledge of Allegiance violate the Establishment Clause was still binding precedent;

Whereas this country was founded on religious freedom by the Founding Fathers, many of whom were deeply religious;

Whereas the First Amendment to the United States Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the Government from establishing a religion;

Whereas Congress, in 1954, added the words "under God" to the Pledge of Allegiance;

Whereas Congress, in 1954, believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for more than 50 years included references to the United States flag, to our country having been established as a union "under God", and to this country being dedicated to securing "liberty and justice for all";

Whereas the 107th Congress overwhelmingly passed a resolution disapproving of the

panel decision of the Ninth Circuit in *Newdow*, and overwhelmingly passed legislation recodifying Federal law that establishes the Pledge of Allegiance in order to demonstrate Congress's opinion that voluntarily reciting the Pledge in public schools is constitutional;

Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954, as recodified in 2002, and as recognized in a resolution in 2003, is a fully constitutional expression of patriotism;

Whereas the National Motto, patriotic songs, United States legal tender, and engravings on Federal buildings also refer to "God"; and

Whereas in accordance with decisions of the United States Supreme Court, public school students are already protected from being compelled to recite the Pledge of Allegiance: Now, therefore, be it

Resolved,

SEC. 1. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the Constitutionality of the Pledge of Allegiance. That the Senate strongly disapproves of the September 14, 2005, decision by the United States District Court for the Eastern District of California in *Newdow*, et al. v. The Congress of the United States of America, et al.

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the constitutionality of the Pledge of Allegiance.

Mr. FRIST. Mr. President, this resolution that we passed is a Senate resolution expressing support for the Pledge of Allegiance. Because of the significance of this matter, I would like to read some paragraphs in the resolution and then the closing resolve section:

Whereas on June 26, 2002, a 3-judge panel of the Ninth Circuit Court of Appeals ruled in *Newdow v. United States Congress* that the words "under God" in the Pledge of Allegiance violate the Establishment Clause of the United States Constitution when recited voluntarily by students in public schools;

Whereas on March 4, 2003, the United States Senate passed a resolution disapproving of the Ninth Circuit's decision in *Newdow* by a vote of 94-0;

Whereas on June 14, 2004, the Supreme Court of the United States dismissed the case, citing plaintiff's lack of standing.

Whereas on January 3, 2005, the same plaintiff and 4 other parents and their minor children filed a second suit in the Eastern District of California to challenge the words "under God" in the Pledge of Allegiance.

Whereas on September 14, 2005, the Eastern District of California declined to dismiss the *Newdow* case, holding that the Ninth Circuit's earlier ruling that the words "under God" in the Pledge of Allegiance violates the Establishment Clause was still binding precedent . . .

Mr. President, the "whereas" clauses continue.

Resolved, That the Senate strongly disapproves of the September 14, 2005, decision by the United States District Court for the Eastern District of California in *Newdow*, et al. v. The Congress of the United States of America, et al.

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the

constitutionality of the Pledge of Allegiance.

This is an important Senate resolution, as is the one that follows this, S. Res. 244, which we will address shortly. Every morning in the Senate, we open with that pledge to the flag of the United States of America. It is an issue on which the Senate now speaks loudly in disagreement with the most recent findings.

The second resolution related to this issue is S. Res. 244.

EXPRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 244, submitted earlier today by Senator SALAZAR.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 244) expressing support for the Pledge of Allegiance.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 244) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 244

Whereas Congress in 1954 added the words "under God" to the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for more than 50 years included references to the U.S. flag, the country, to our country having been established as a union "under God" and to this country being dedicated to securing "liberty and justice for all";

Whereas the Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas this Senate of the 109th Congress believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism;

Whereas patriotic songs, engravings on U.S. legal tender, engravings on Federal buildings also contain general references to "God"; and

Whereas the Congress expects that the U.S. Court of Appeals for the Ninth Circuit will review on appeal the decision of the District Court. Now, therefore, be it

Resolved,

SEC. 1. That the Senate strongly disapproves of the U.S. District Court ruling in *Newdow v. the Congress of United States of America*, et al., holding the Pledge of Allegiance unconstitutional.

SEC. 2. That the Senate authorize and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the constitutionality of the Pledge of Allegiance.

PELL GRANT HURRICANE AND DISASTER RELIEF ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3169, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3169) to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3169) was read the third time and passed.

Mr. FRIST. Again, Mr. President, this is one of several bills we are addressing tonight that reflect the Senate's response to those who have been adversely affected by this disaster. The bill we passed was specifically related to Pell grants, giving the Secretary of Education the waiver authority for students who are eligible for Pell grants, those students who have been adversely affected.

STUDENT GRANT HURRICANE AND DISASTER RELIEF ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3668, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3668) to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3668) was read the third time and passed.

TANF EMERGENCY RESPONSE AND RECOVERY ACT OF 2005

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3672, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3672) to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.

There being no objection, the Senate proceeded to consider the bill.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) RELIEF FOR STATES AFFECTED BY HURRICANE KATRINA

Ms. LANDRIEU. Mr. President, I rise today to raise some concerns about H.R. 3672, the TANF Emergency Response and Recovery Act of 2005 passed recently by the House of Representatives.

I regret that the House Ways and Means Committee did not have the benefit of the insights of those in Louisiana responsible for administering this critical Federal program. Because if they did, I think that the bill might have been drafted very differently. I very much appreciate the leadership allowing me this opportunity to state these concerns for the record and am hoping that we can work together in the days and weeks ahead from this point on to be certain that these concerns are addressed.

Hurricane Katrina has left the Southeastern part of Louisiana in a state of emergency which, by all accounts will have significant and wide spread impact on our State and local economy. As a result, larger than expected numbers of individuals will be left without employment and in need of the services and support provided by the TANF program. It is precisely to address these circumstances, although I am not sure Members anticipated a disaster of this magnitude that compelled Congress to create a contingency fund in the 1996 Act. The purpose of the contingency fund was for States to be able to access additional funds in a time of need. But instead of availing ourselves of the funds contained in the contingency fund to carry us through this unexpected downturn, the House bill limits the use of these funds for nonrecurring, short term benefits to persons displaced by this disaster. I am afraid that this narrow definition of eligibility will stand in the way of people in need getting the support they deserve. I am pleased that the Grassley-Baucus proposal would allow Louisiana access to these funds and allow my State to direct these funds to families in need.

In addition, it should be noted that while the House bill contemplates that some families affected by Hurricane Katrina will need some short term benefit that should be considered differently from regular welfare, it does not extend eligibility for these emergency benefits to all families in the affected States. I believe that we should extend this benefit to all families in need. I am pleased to note that the Grassley-Baucus welfare proposal would extend eligibility of "Hurricane

Katrina Emergency TANF Benefits" for over a year to affected families in Louisiana, Mississippi and Alabama regardless of their circumstances prior to this disaster.

I will raise my final point in the form of a question to my good friend, the Senator from Iowa, Chairman GRASSLEY. The House bill includes a provision that provides that no penalty may be imposed against any of the States of Louisiana, Mississippi or Alabama for failure to repay a loan made to a State before October 1, 2007. Given the current financial conditions, our Governor is concerned about the State's long term ability to pay a loan of this size back in such a short time. They have been assured that the intent was for this provision to serve as a grant and that there is no penalty should they be unable to fully reimburse the Federal Government. Is that the Senator's understanding?

Mr. GRASSLEY. I understand that the Senator would like assurances that her State would not be penalized for failure to reimburse the Federal Government for funds to the State from the Federal Loans for State Welfare Program. I would point out that the House bill includes a provision that provides that no penalty may be imposed against the States of Louisiana, Mississippi or Alabama for failure to repay a loan made to a State before October 1, 2007. This provision provides that there will be no penalty for loans made during that time.

Furthermore, I appreciate the other comments from the Senator from Louisiana. While I think that the House passed bill represents a good faith effort on behalf of the House, I agree that it does not go far enough and that the delegations of the affected States should have been consulted as this bill was assembled. The collaborative process that we relied on with Senators from States directly affected by Hurricane Katrina has been invaluable as we have worked to assemble the disaster relief package that Senator BAUCUS and I announced yesterday.

I also recognize that my colleagues are concerned that the Senate's position on this issue be appropriately represented in a conference with the House.

I want to assure my colleagues these welfare provisions will be addressed during a conference with the House and that the Senate's position on these welfare provisions will be vigorously represented.

Mr. FRIST. I appreciate the comments from my colleagues. I support the chairman, and I too assure colleagues that these welfare provisions will be fully litigated in a conference with the House on a health and welfare disaster relief package.

I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The bill (H.R. 3672) was read the third time and passed.

RECOGNIZING 75TH ANNIVERSARY OF AMERICAN ACADEMY OF PE- DIATRICS

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 204 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 204) recognizing the 75th anniversary of the American Academy of Pediatrics and supporting the mission and goals of the organization.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 204) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 204

Whereas 2005 marks the 75th anniversary of the American Academy of Pediatrics (referred to in this resolution as the "Academy");

Whereas in 1930, 35 pediatricians founded the Academy to attain optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults;

Whereas in 2005, the Academy is the largest membership organization in the United States dedicated to child and adolescent health and well-being, with more than 60,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists belonging to its 59 chapters in the United States and 7 chapters in Canada;

Whereas, in addition to promoting good physical health, the Academy also promotes early childhood education, good mental health, reading, environmental health, safety, pediatric research, and the elimination of disparities in health care;

Whereas the Academy serves as a voice for the most vulnerable people in the United States by advocating for the needs of children with special health care needs, low-income families, victims of abuse and neglect, individuals in under-served communities, and the uninsured;

Whereas the Academy is dedicated to improving child health and well-being through numerous efforts and initiatives, including continuing medical education, the promotion of optimal standards for pediatric education, the authorship and dissemination of materials which advance its mission, and advocacy on improvements in child health;

Whereas the Academy promotes the use of evidence-based research and "best practices" to drive major improvements in child health and well-being, such as the use of immunizations to decrease the rates of infectious childhood diseases;

Whereas the Academy promotes the pediatric "medical home" as the most effective approach to guaranteeing the highest quality care for all children;

Whereas the Academy provides international leadership on child health issues, including translating child health materials into more than 40 languages;

Whereas Academy members have organized numerous child health initiatives at the State and community levels; and

Whereas, throughout its history, the Academy has been instrumental in the passage of several Federal child health laws, including poison prevention measures, the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), Federal child safety seat initiatives, the State Children's Health Insurance Program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), universal immunization, and the Best Pharmaceuticals for Children Act (Public Law 107-109); Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th anniversary of the American Academy of Pediatrics;

(2) supports the mission and goals of the Academy;

(3) commends the Academy for its commitment to attaining optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults;

(4) encourages the people of the United States to observe this anniversary and support the Academy on behalf of the children of the United States; and

(5) encourages the Academy to continue striving to improve the health and well-being of all infants, children, adolescents, and young adults of the United States.

REGARDING MANIFESTATIONS OF ANTI-SEMITISM BY UNITED NA- TIONS MEMBER STATES

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 240, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 240) expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 240) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 240

Whereas the Universal Declaration of Human Rights, approved by the United Nations General Assembly in 1948, recognizes that "the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world";

Whereas United Nations General Assembly Resolution 3379 (1975) concluded that "Zionism is a form of racism and racial discrimination" and the General Assembly, by a vote of 111 to 25, only revoked Resolution 3379 in 1991 in response to strong leadership by the United States and after Israel made its participation in the Madrid Peace Conference conditional upon repeal of the resolution;

Whereas during the 1991 session of the United Nations Commission on Human Rights, the Syrian Ambassador to the United Nations repeated the outrageous "blood libel" that Jews allegedly have killed non-Jewish children to make unleavened bread for Passover and, despite repeated interventions by the Governments of Israel and the United States, this outrageous lie was not corrected in the record of the Commission for many months;

Whereas in March 1997, the Palestinian observer at the United Nations Commission on Human Rights made the contemptible charge that the Government of Israel had injected 300 Palestinian children with HIV (the human immunodeficiency virus, the pathogen that causes AIDS) despite the fact that an Egyptian newspaper had printed a full retraction to its earlier report of the same charges, and the President of the Commission failed to challenge this baseless and false accusation despite the request of the Government of Israel that he do so;

Whereas Israel was denied membership in any regional grouping of the United Nations until the year 2000, which prevented it from being a candidate for any elected positions within the United Nations system until that time, and Israel continues to be denied the opportunity to hold a rotating seat on the Security Council and it is the longest-serving member of the United Nations never to have served on the Security Council although it has been a member of the organization for 56 years;

Whereas Israel continues to be denied the opportunity to serve as a member of the United Nations Commission on Human Rights because it has never been included in a slate of candidates submitted by a regional grouping, and Israel is currently the only member of the Western and Others Group in a conditional status limiting its ability to caucus with its fellow members of this regional grouping;

Whereas the United Nations has permitted itself to be used as a battleground for political warfare against Israel led by Arab states and others, and 6 of the 10 emergency sessions of the United Nations General Assembly have been devoted to criticisms of and attacks against Israel;

Whereas the goals of the 2001 United Nations World Conference Against Racism were undermined by hateful anti-Jewish rhetoric and anti-Israel political agendas, prompting both Israel and the United States to withdraw their delegations from the Conference;

Whereas in 2004, the United Nations Secretary General acknowledged at the first United Nations-sponsored conference on anti-Semitism, that: "It is clear that we are witnessing an alarming resurgence of this phenomenon in new forms and manifestations. This time, the world must not—cannot—be silent.";

Whereas in 2004, the United Nations General Assembly's Third Committee for the first time adopted a resolution on religious tolerance that includes condemnation of anti-Semitism and "recognized with deep concern the overall rise in instances of intolerance and violence directed against members of many religious communities . . . including . . . anti-Semitism . . .";

Whereas in 2005, the United Nations held an unprecedented session to commemorate

the 60th anniversary of the liberation of the Auschwitz concentration camp;

Whereas democratic Israel is annually the object of nearly two dozen redundantly critical resolutions in the United Nations General Assembly, which rarely adopts resolutions relating to specific countries; and

Whereas the viciousness with which Israel is attacked and discriminated against at the United Nations should not be allowed to continue unchallenged: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) welcomes recent attempts by the United Nations Secretary General to address the issue of anti-Semitism;

(B) calls on the leadership of the United Nations to officially and publicly condemn anti-Semitic statements made at all United Nations meetings and hold accountable United Nations member states that make such statements; and

(C) strongly urges the United Nations Educational, Scientific and Cultural Organization (UNESCO) to develop and implement education awareness programs about the Holocaust throughout the world as part of an effort to combat the rise in anti-Semitism and racial, religious, and ethnic intolerance; and

(2) it is the sense of the Senate that—

(A) the President should direct the United States Permanent Representative to the United Nations to continue working toward further reduction of anti-Semitic language and anti-Israel resolutions;

(B) the President should direct the Secretary of State to report on acts of anti-Semitism at the United Nations and United Nations agencies by member states; and

(C) projects funded through the Middle East Partnership Initiative and United States overseas broadcasts should include efforts to educate Arab and Muslim countries about anti-Semitism, religious intolerance, and incitement to violence.

LEUKEMIA, LYMPHOMA AND MYELOMA AWARENESS MONTH

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 241, which was introduced earlier today by Senator JEFFORDS.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 241) designating September 2005 as Leukemia, Lymphoma and Myeloma Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. JEFFORDS. Mr. President, I am here today to ask for my colleagues' support for a resolution designating September as Leukemia, Lymphoma and Myeloma Awareness Month. Today, I want to speak specifically about leukemia, a disease that affects nearly 200,000 Americans.

Leukemia is a devastating cancer of the blood that will kill almost 23,000 people this year alone. It is rare to find anyone today who does not know someone, a family member or a friend, who has battled leukemia. Recently, one of my former staff members, Jess Eiesland, was diagnosed with leukemia. He is only 28. He left my office in May of this year to follow in his father's footsteps and pursue a career in fi-

nance. On June 18th, Jess was diagnosed with Acute Myelogenous Leukemia, a form of the disease characterized by the uncontrolled production of immature white blood cells by the bone marrow. Jess is now back in South Dakota with his family and traveling to Minnesota to undergo an 11-week course of chemotherapy in preparation for a bone marrow transplant.

In comparison, Jess is one of the lucky ones. His leukemia was caught early and he has just learned that his sister, Laura, is a bone marrow match. This match will reduce Jess' risk of developing severe side effects from the transplant or rejecting the new cells. Only 30 percent of patients in need of a bone marrow transplant have a matching donor in their families. Others have to depend on the kindness of strangers who have registered their bone marrow types with the National Bone Marrow Registry and volunteered as donors. In honor of Jess, a bone marrow registration drive is being held in Room 124 of the Senate Hart building on Friday from 10 a.m. to 2 p.m.

Because of the risk of rejection associated with bone marrow transplants and the difficulty in finding donors, the National Institutes of Health and the private sector have developed other promising leukemia treatments, such as cord blood transplants and the pharmaceutical drug, Gleevec, the first of a slew of promising new drugs that target the underlying causes of the disease. To promote these innovative treatments, we must continue to support biomedical research. I applaud the efforts of our distinguished colleagues, Senators HATCH and DODD, who introduced legislation earlier this year that would encourage cord blood donations and registrations. This legislation has already been reported favorably by the HELP Committee and I hope the full Senate can take it up and pass it soon. Additionally, the Senate has requested a \$1 billion dollar funding increase for the NIH in fiscal year 2006 to promote Federal research and innovation.

I urge my colleagues to support this resolution designating September as National Leukemia, Lymphoma and Myeloma Awareness Month. Doing so will further disseminate information regarding treatment innovations and will encourage Americans to become bone marrow or cord blood donors.

RECOGNIZING SEPTEMBER 2005 AS LEUKEMIA AND LYMPHOMA AWARENESS MONTH

Mrs. BOXER. Mr. President, I wish to express my support for designating September as Leukemia and Lymphoma Awareness Month. It is estimated that leukemia, lymphoma, and myeloma will kill 60,500 people in the United States this year and that 110,000 new cases are diagnosed each year. With more than 700,000 Americans living with blood cancers, it is crucial that we come together to reinvigorate our resolve and continuously intensify our fight for a cure.

I am pleased to join the Leukemia and Lymphoma Society in encouraging all to put aside time to reflect on what has been achieved so far in fighting blood cancers, spread lifesaving knowledge, and set our sights on progressive goals to advance our ability to support and treat those living with leukemia and lymphoma. Together, we can push forward critical research and keep the eradication of these diseases at the forefront of dialogue and education in our local and national communities.

I applaud the Leukemia and Lymphoma Society for its support of treatment and research. Such work is integral to our ability to understand these illnesses and energize our fellow citizens in this very worthy endeavor. The Leukemia and Lymphoma Society has provided an outstanding model of advocacy and paved the way for others to get involved.

I am pleased to invite my colleagues to join me in acknowledging Leukemia and Lymphoma Awareness Month. I hope that you will use this time as inspiration for continued thoughtful leadership on this critical health issue.

Mr. FRIST. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 241) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 241

Whereas blood-related cancers currently afflict more than 747,000 Americans, with an estimated 114,000 new cases diagnosed each year;

Whereas leukemia, lymphoma, and myeloma will kill an estimated 54,480 people in the United States this year;

Whereas the National Cancer Institute of the National Institute of Health is committed to the elimination of suffering and death due to cancer by the year 2015;

Whereas the Senate is similarly committed to the eradication of blood-related cancers and supports the treatment of people in the United States who suffer from them; and

Whereas the Senate will continue efforts to provide support at all levels for research and other efforts that will lead to a complete cure for leukemia, lymphoma, and myeloma: Now, therefore, be it

Resolved, That the Senate designates September 2005, as "Leukemia, Lymphoma, and Myeloma Awareness Month" to—

(1) enhance the understanding of blood-related cancers;

(2) encourage participation in voluntary activities to support education programs; and

(3) support the funding of research programs to find a cure for blood-related cancers.

PASSAGE OF H.R. 2862

Mr. FRIST. Mr. President, this afternoon, the Senate passed the Commerce,

Justice, and Science appropriations bill with overwhelming bipartisan support. I want to thank my colleagues for their tremendous work on this legislation. This appropriations bill funds critical Government functions and includes significant Katrina-related measures.

Earlier this afternoon, I had the opportunity to thank both Senators SHELBY and MIKULSKI for their great leadership on this bill. There was a fair amount of juggling in terms of scheduling, given the fact that the Judiciary hearings were underway. Everybody showed good patience, and we produced a very good bill.

More than 350,000 families have been made homeless by the disaster that has unfolded over the last 2 weeks. The bill we passed today provides Federal housing assistance of up to \$600 per family per month for up to 6 months to help those families get back on their feet. Families lost their homes, they have lost their communities, they have lost their jobs, and many families have lost everything. Their only possessions were contained sometimes in a single black plastic bag as they fled their homes.

These are extraordinary circumstances and they require extraordinary actions on our part. As you heard by the legislation that was passed, we are acting responsibly and aggressively in meeting the needs of those victims. Helping these families put a roof over their heads is one aspect of the real tragedy that has unfolded.

I thank people such as Senator SNOWE for her hard work to help the small businesses recover. All of these efforts are part of this larger effort to respond and respond aggressively.

Under the bipartisan leadership of Senator GRASSLEY and Senator BAUCUS, today the Senate passed a comprehensive tax relief package to help spur that economic process of getting people back on their feet and rebirth and regrowth.

The Grassley-Baucus legislation provides immediate and aggressive tax relief to help hurricane victims build their homes, restore their possessions, find housing, and find jobs. It allows them to dip into their retirement plans to cover short-term expenses without being penalized.

In addition, it promotes and rewards charitable giving. As we have seen over the last week and a half, Americans have poured out their hearts for the hurricane victims. In just over 2 weeks, private individuals and businesses have donated well over \$700 million in contributions. That is increasing every day. It is truly a testament to the character of the American people, to that wonderful spirit of the American people, that selflessness, that unselfishness, their compassion, and their generosity.

Here in the Senate, we are working hard to reflect those values and to deliver swift and meaningful actions.

Chairmen are working with ranking members to finish conversations so they can forward appropriate, well-thought-out Katrina legislation to myself and to the minority leader for possible Senate action, and Chairman ENZI is working with Senator KENNEDY on a series of temporary education law changes.

These measures will help tens of thousands of students affected by Katrina, as well as the school districts that are absorbing these displaced students.

Chairman COLLINS continues her work with Senator LIEBERMAN to cut through redtape and bureaucracy so that FEMA can quickly remove the vast amounts of debris that have been left in the disaster's wake.

Tomorrow, in 12 hours or so, Senator REID and I will be departing and leading a 14-Member Senate delegation to the gulf coast. Our purpose will be to survey the disaster sites in all three States affected by Katrina, to visit with people who have been so dramatically affected, both directly and indirectly, whose lives have been changed, to observe what is being done by local officials and State officials, as well as Federal officials on the ground.

The hurricane victims are the Senate's No. 1 priority, and it is reflected in the legislation that we are addressing and in the time spent both on the floor and by the various chairmen and ranking members on committees.

We are determined that the gulf coast will be able to recover and be rebuilt bigger, stronger, and more prosperous than ever before. It is going to require a lot of leadership from all sectors, at the private and public arena, and at Federal-State and local levels.

It is going to require the dedication of a lot of individuals.

I began today meeting with 100 or so leaders from across Louisiana who already had a previously scheduled meeting to come to Washington, DC. I met with Senator VITTER to listen to their ideas and their thoughts at the local level of how best to contribute to this rebuilding of this vital part of Louisiana.

Tomorrow, we will meet with people all along that southern coast of Mississippi as well. I will actually be going to Alabama as well. It is this dedication of individuals, the doers, the thinkers, people thinking inside and outside the box that I am convinced will lead to this revitalization and appropriate rebuilding. It is a massive undertaking, but this is America and we like our challenges big. We can respond in an appropriately big way. We will make history proud.

In about 30 minutes, the President will be addressing the Nation on many of these same issues. I look forward to hearing that address. I look forward to continuing to work in a bipartisan way. We have to keep things bipartisan as we work to develop meaningful, long-term solutions for the American people.

I had one big disappointment today, late this afternoon regarding receiving a letter from my counterpart, the Democratic leader, whom I know carefully considered the terms of the outcome, but I was disappointed in that the notification was that the Senate Democrats will boycott our proposal for a bipartisan joint congressional investigation into the government's response to Hurricane Katrina. It is clear the government has no greater responsibility than protecting the security and the lives of senior citizens, and in the aftermath of this devastating hurricane and the flood which followed we saw government at all levels not live up to expectations, and, really, fail at all levels.

It is our duty, and it is our responsibility in the Senate, in Congress, to analyze and to investigate, provide aggressive oversight in order to figure out what went wrong, in order to know what changes must be made and to make those changes quickly and responsibly and to keep what went wrong from ever, ever, happening again.

Congress is going to step up to this important responsibility. We have begun that in the actions over the last 2 weeks.

Under the proposal I gave the Democrat leader, we would appoint a select committee with the members of the Homeland Security and Governmental Affairs Committee as members who would participate. While the Democrat leader in his letter to me says he prefers to let the Homeland Security Committee lead the investigation and he will continue to support the committee's efforts, which I do, as well, he somehow feels the select committee that our leadership has proposed, which is made up of the very same members of that committee, Homeland Security and Governmental Affairs Committee, will somehow fail the American people or will somehow be partisan or will somehow not be independent.

To me, it is an abdication of our responsibility not to have this select committee specifically made up to analyze and to investigate what went wrong.

The proposal was modeled on some of the most serious investigations that Congress has ever taken. Looking back to the 1973 Watergate Committee, the 1986 Iran-Contra Committee, the 1994 and 1995 Whitewater Committee, and the 1997 campaign finance investigation, that is the model which I had proposed to the Democrat leader. Republicans in both the House and Senate are prepared to fulfill our constitutional obligations. I believe this boycott is irresponsible, it is an abdication of our responsibility. It begins to place partisan politics over finding answers for the American people.

We cannot wait 3 years for those answers. We need to investigate them and analyze the problems so we will have solutions in the short term, so we can quickly make changes and protect all

Americans. In challenging times, our country expects its leaders to work together and not to engage in any sort of petty bickering that slows down the process. It is time to get it done. The American people deserve better.

I ask unanimous consent my proposal to Senator REID and his letter rejecting it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. RES. _____

Resolved,

SECTION 1. ESTABLISHMENT OF SPECIAL COMMITTEE.

(a) **ESTABLISHMENT.**—There is established a special committee administered by the Committee on Homeland Security and Governmental Affairs to be known as the “Special Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina” (referred to in this resolution as the “special committee”).

(b) **PURPOSES.**—The purposes of the special committee are—

(1) to conduct an investigation and public hearings into, and study of—

(A) the development, coordination, and execution by local, State and Federal authorities of emergency response plans and other activities in preparation for Hurricane Katrina;

(B) the Federal, State, and local government response to Hurricane Katrina; and

(C) any other matter under the jurisdiction of the Committee on Homeland Security and Governmental Affairs to the extent that investigation of that matter assists the committee in its investigation under subparagraphs (A) and (B);

(2) to make such findings of fact and recommendations as are warranted and appropriate; and

(3) to fulfill the constitutional oversight and informational functions of the Congress with respect to the matters described in this section.

SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL COMMITTEE.

(a) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The special committee shall consist of—

(A) the members of the Committee on Homeland Security and Governmental Affairs; and

(B) the chairman and ranking member of [TO BE SUPPLIED].

(2) **ADDITIONAL RULES.**—The special committee may adopt additional rules or procedures not inconsistent with this resolution or the Standing Rules of the Senate that it determines are necessary to enable the special committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures shall become effective upon publication in the Congressional Record.

(b) **ORGANIZATION OF SPECIAL COMMITTEE.**—

(1) **CHAIRMAN.**—The chairman of the Committee on Homeland Security and Governmental Affairs shall serve as the chairman of the special committee (referred to in this resolution as the “chairman”).

(2) **RANKING MEMBER.**—The ranking member of the Committee on Homeland Security and Governmental Affairs shall serve as the ranking member of the special committee (referred to in this resolution as the “ranking member”).

(3) **QUORUM.**—A majority of the members of the special committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate. A majority of the members of the special committee,

or one-third of the members of the special committee if at least one member of the minority party is present, shall constitute a quorum for the conduct of other business. One member of the special committee shall constitute a quorum for the purpose of taking testimony.

(c) **RULES AND PROCEDURES.**—

(1) **IN GENERAL.**—Except as otherwise specifically provided in this resolution, the special committee's investigation, study, and hearings shall be governed by the Standing Rules of the Senate and the Rules of Procedure of the Committee on Homeland Security and Governmental Affairs.

(2) **ADDITIONAL RULES.**—The special committee may adopt additional rules or procedures not inconsistent with this resolution or the Standing Rules of the Senate if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the special committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures shall become effective upon publication in the Congressional Record.

SEC. 3. STAFF OF THE SPECIAL COMMITTEE.

(a) **APPOINTMENTS.**—To assist the special committee in the investigation, study, and hearings authorized by this resolution, the chairman and the ranking member each may appoint special committee staff, including consultants.

(b) **ASSISTANCE FROM THE COMPTROLLER GENERAL.**—The Comptroller General of the United States is requested to provide from the Government Accountability Office whatever personnel or other appropriate assistance as may be required by the special committee, or by the chairman or the ranking member.

SEC. 4. POWERS OF THE SPECIAL COMMITTEE.

The special committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act of 1978, including the following:

(1) **SUBPOENA POWERS.**—To issue subpoenas or orders for the attendance of witnesses or for the production of documentary or physical evidence before the special committee. A subpoena or order may be authorized by the special committee or by the chairman with the agreement of the ranking member, and may be issued by the chairman or any other member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the authorized member anywhere within or outside of the borders of the United States to the full extent permitted by law. The chairman, or any other member of the special committee, is authorized to administer oaths to any witnesses appearing before the special committee. If a return on a subpoena or order for the production of documentary or physical evidence is incomplete or accompanied by an objection, the chairman (in consultation with the ranking member) may convene a meeting or hearing to determine the adequacy of the return and to rule on the objection. At a meeting or hearing on such a return, one member of the special committee shall constitute a quorum. The special committee shall not initiate procedures leading to civil or criminal enforcement of a subpoena unless the person or entity to whom the subpoena is directed refuses to produce the required documentary or physical evidence after having been ordered and directed to do so.

(2) **COMPENSATION AUTHORITY.**—To employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as the special committee, or the

chairman or the ranking member, considers necessary or appropriate.

(3) **MEETINGS.**—To sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

(4) **HEARINGS.**—To hold hearings, take testimony under oath, and receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study.

(5) **TESTIMONY OF WITNESSES.**—To require by subpoena or order the attendance, as a witness before the special committee or at a deposition, of any person who may have knowledge or information concerning any of the matters that the special committee is authorized to investigate and study.

(6) **IMMUNITY.**—To grant a witness immunity under sections 6002 and 6005 of title 18, United States Code.

(7) **DEPOSITIONS.**—To take depositions and other testimony under oath anywhere within the United States, to issue orders that require witnesses to answer written interrogatories under oath. All depositions shall be conducted jointly by majority and minority staff of the special committee. A witness at a deposition shall be examined upon oath administered by a member of the special committee or an individual authorized by local law to administer oaths, and a complete transcription or electronic recording of the deposition shall be made. Questions shall be propounded first by majority staff of the special committee and then by minority staff of the special committee. Any subsequent round of questioning shall proceed in the same order. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to answer on the basis of relevance or privilege, the special committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling on the objection from the chairman. If the chairman overrules the objection, the chairman may order and direct the witness to answer the question, but the special committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to answer after having been ordered and directed to answer.

(8) **DELEGATIONS TO STAFF.**—To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by local law to administer oaths. The special committee, or the chairman with the concurrence of the ranking member, may delegate to designated staff members of the special committee the power to issue deposition notices authorized pursuant to this paragraph.

(9) **INFORMATION FROM OTHER SOURCES.**—To require by subpoena or order—

(A) any department, agency, entity, officer, or employee of the United States Government;

(B) any person or entity purporting to act under color or authority of State or local law; or

(C) any private person, firm, corporation, partnership, or other organization;

to produce for consideration by the special committee or for use as evidence in the investigation, study, or hearings of the special committee, any book, check, canceled check, correspondence, communication, document, financial record, electronic record, paper, physical evidence, photograph, record, recording, tape, or any other material relating to any of the matters or questions that the special committee is authorized to investigate and study which any such person or entity may possess or control.

(10) **RECOMMENDATIONS TO THE SENATE.**—To make to the Senate any recommendations,

by report or resolution, including recommendations for criminal or civil enforcement, which the special committee may consider appropriate with respect to—

(A) the willful failure or refusal of any person to appear before it, or at a deposition, or to answer interrogatories, in compliance with a subpoena or order;

(B) the willful failure or refusal of any person to answer questions or give testimony during the appearance of that person as a witness before the special committee, or at a deposition, or in response to interrogatories; or

(C) the willful failure or refusal of—

(i) any officer or employee of the United States Government;

(ii) any person or entity purporting to act under color or authority of State or local law; or

(iii) any private person, partnership, firm, corporation, or organization;

to produce before the special committee, or at a deposition, or at any time or place designated by the committee, any book, check, canceled check, correspondence, communication, document, financial record, electronic record, paper, physical evidence, photograph, record, recording, tape, or any other material in compliance with any subpoena or order.

(11) CONSULTANTS.—To procure the temporary or intermittent services of individual consultants, or organizations thereof.

(12) OTHER GOVERNMENT PERSONNEL.—To use, on a reimbursable basis and with the prior consent of the Government department or agency concerned, the services of the personnel of such department or agency.

(13) OTHER CONGRESSIONAL STAFF.—To use, with the prior consent of any member of the Senate or the chairman or the ranking member of any other Senate committee or the chairman or ranking member of any subcommittee of any committee of the Senate, the facilities or services of the appropriate members of the staff of such member of the Senate or other Senate committee or subcommittee, whenever the special committee or the chairman or the ranking member considers that such action is necessary or appropriate to enable the special committee to conduct the investigation, study, and hearings authorized by this resolution.

(14) ACCESS TO INFORMATION AND EVIDENCE.—To permit any members of the special committee, staff director, counsel, or other staff members or consultants designated by the chairman or the ranking member, access to any data, evidence, information, report, analysis, document, or paper—

(A) that relates to any of the matters or questions that the special committee is authorized to investigate or study under this resolution;

(B) that is in the custody or under the control of any department, agency, entity, officer, or employee of the United States Government, including those which have the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States without regard to the jurisdiction or authority of any other Senate committee or subcommittee; and

(C) that will assist the special committee to prepare for or conduct the investigation, study, and hearings authorized by this resolution.

(15) REPORTS OF VIOLATIONS OF LAW.—To report possible violations of any law to appropriate Federal, State, or local authorities.

(16) EXPENDITURES.—To expend, to the extent that the special committee determines necessary and appropriate, any money made available to the special committee by the Senate to carry out this resolution.

SEC. 5. SALARIES AND EXPENSES.

(a) IN GENERAL.—A sum equal to not more than \$500,000 for the period beginning on the date of adoption of this resolution and ending on February 15, 2006, shall be made available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations for payment of salaries and other expenses of the special committee under this resolution, which shall include not more than \$[] for the procurement of the services of individual consultants or organizations thereof, in accordance with section 4(11).

(b) VOUCHER REQUIREMENT.—Payment of expenses shall be disbursed upon vouchers approved by the chairman, except that vouchers shall not be required for the disbursement of salaries paid at an annual rate.

SEC. 6. REPORTS; TERMINATION.

(a) COMPLETION OF DUTIES.—

(1) COMPLETION.—The special committee shall make every reasonable effort to complete, not later than February 15, 2006, the investigation, study, and hearings authorized by section 1.

(2) INTERIM REPORTS.—The special committee shall also submit to the Senate such interim reports as it considers appropriate.

(3) RECORDS.—All records of the special committee shall be transferred to the Committee on Homeland Security and Governmental Affairs on termination of the special committee.

(b) TERMINATION.—After submission of its final report, the special committee shall conclude its business and close out its affairs within 90 days.

SEC. 7. COMMITTEE JURISDICTION AND RULE XXV.

The jurisdiction of the special committee is granted pursuant to this resolution, notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

SEC. 8. COORDINATION WITH HOUSE INVESTIGATION.

The chairman of the special committee, in conducting the investigation and study described in section 1, shall consult with the chairman of the House Select Committee Investigate the Response to Hurricane Katrina conducting the parallel investigation and study regarding meeting jointly to receive testimony, the scheduling of hearings or issuance of subpoenas, and joint staff interviews of key witnesses.

SEPTEMBER 15, 2005.

The Hon. WILLIAM FRIST,
Majority Leader, U.S. Senate, Washington, DC.

DEAR BILL: Thank you for providing me with your proposal to have the Senate establish a select committee to review this nation's preparation for and response to Hurricane Katrina. Like you, I believe it is vitally important that we learn why our government's leaders failed to perform one of their most essential and basic tasks—protecting the American people from natural or man-made disasters and swiftly coming to their aid when such incidents occur. The survivors of this tragedy and all Americans have a right to expect that their leaders will make every effort to understand what went wrong so that we can identify and implement the steps necessary to ensure that what we witnessed this past month in the Gulf Coast never happens again.

As you know, under regular Senate order, the Senate Committee on Homeland Security and Governmental Affairs would take the lead in any investigation of the government's actions on Katrina and other disasters. This committee has both the authority under Senate rules and the demonstrated ex-

pertise to conduct such an investigation. At the outset of our discussions about the best way for the Senate to proceed on this matter, I expressed my preference for letting this committee handle the Katrina investigation. I also said I would be willing to consider departing from regular Senate order to establish a select committee if I was confident such a committee could do a better job of providing the survivors and the American people the answers they deserve.

Unfortunately, after closely analyzing the proposal you presented to me earlier this week I have concluded it fails that critical test for one very, simple reason. As currently drafted, I do not believe your proposed select committee will conduct an independent, non-partisan investigation that will take a hard look at actions by both the Bush Administration and this Congress. As a result, your proposal will not provide the American people the assurances that we have learned every lesson from this tragedy and have developed the corrective measures necessary to make our country more secure in the future.

Consequently, I will continue my push for an independent, blue ribbon commission similar to what we established in the wake of the terrorist attacks on September 11, 2001. Democrats and, ultimately, Republicans agreed that approach was the best way to help the American people understand why their government failed them that awful day. And the commission's findings were broadly supported and embraced by the American people and leaders of both parties because they understood that, unlike any congressional body, the commission was uniquely capable of asking tough questions of both the Administration and the Congress.

Senator Clinton has proposed that we follow this proven model in the case of Katrina and I have yet to hear a compelling reason why we should not. At the same time, I will also continue to support the Senate Governmental Affairs Committee's efforts to investigate Katrina. Chairman Collins and Ranking Member Lieberman have worked well together in a bipartisan manner in the past and I am confident they will continue to do so in the future.

I remain hopeful that you will eventually agree to work with me to establish a truly independent commission to provide the American people answers about why their government failed them and what steps can be taken to ensure it never happens again. The survivors of this tragedy and the American people deserve no less.

Sincerely,

HARRY REID,
U.S. Senate.

ORDERS FOR MONDAY, SEPTEMBER 19, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until 2 p.m. on Monday, September 19. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business with the time equally divided until 3 p.m.

I further ask consent that at 3 p.m. the Senate resume consideration of H.R. 2744, the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today, as I mentioned earlier, the Senate did complete action on and overwhelmingly pass the Commerce-Justice-Science appropriations bill. Upon completion of the Commerce-Science-Justice appropriations bill, we began consideration of the Agriculture appropriations bill.

On Monday, we will resume consideration of this bill and, as always, I ask Senators to come forward and let us know if they intend to offer amendments. Our next votes will occur Tuesday morning, and we will probably begin voting very early Tuesday morning. We will be debating amendments on Monday; however, any votes that are ordered on Monday will be stacked to occur early on Tuesday morning.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 19, 2005, AT 2 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:39 p.m., adjourned until Monday, September 19, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate September 15, 2005:

DEPARTMENT OF STATE

MICHAEL R. ARIETTI, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

EXECUTIVE OFFICE OF THE PRESIDENT

KARAN K. BHATIA, OF MARYLAND, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE JOSETTE SHEERAN SHINER.

DEPARTMENT OF LABOR

EDWIN G. FOULKE, JR., OF SOUTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE JOHN LESTER HENSHAW.

RICHARD STICKLER, OF WEST VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, VICE DAVID D. LAURISKI, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES S. GOODWIN, 0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROGER F. CLEMENTS, 0000

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

STEVEN J. ANDERSEN, 0000
JOSEPH T. BAKER, 0000
LUANN BARNDT, 0000
BRADLEY W. BEAN, 0000
PETER J. BROWN, 0000
DANIEL C. BURBANK, 0000
SCOTT A. BUSCHMAN, 0000
MICHAEL B. CERNE, 0000
DAVID A. CINALLI, 0000
AARON C. DAVENPORT, 0000
WILLIAM C. DEAL, 0000
VINCENT D. DELAURENTIS, 0000
PAUL E. DEVEAU, 0000

EDWARD N. ENG, 0000
STEPHAN P. FINTON, 0000
JOHN A. FURMAN, 0000
CRAIG A. GILBERT, 0000
HERBERT M. HAMILTON, 0000
JOHN T. HARDIN, 0000
THEODORE F. HARROP, 0000
DOUGLAS E. KAUP, 0000
ALGERNON J. KEITH, 0000
RICHARD M. KENIN, 0000
DAVID S. KLIPP, 0000
DAVID W. KRANKING, 0000
WILLIAM S. KREWSKY, 0000
GAIL P. KULISCH, 0000
CRAIG B. LLOYD, 0000
MICHAEL J. LODGE, 0000
DENISE L. MATTHEWS, 0000
JAMES L. MCCAULEY, 0000
CHARLES W. MELLO, 0000
DOUGLAS R. MENDERS, 0000
WAYNE A. MULLENBURG, 0000
JAMES J. OCONNOR, 0000
EDWARD W. PARSONS, 0000
ELISABETH A. PEPPER, 0000
BRIAN D. PERKINS, 0000
EDUARDO PINO, 0000
JOHN F. PRINCE, 0000
WILLIAM J. RALL, 0000
GARY C. RASICOT, 0000
JOHN J. SANTUCCI, 0000
NORMAN S. SCHWEIZER, 0000
DOUGLAS J. SMITH, 0000
TODD A. SOKALZUK, 0000
FREDERICK J. SOMMER, 0000
DAVID C. STALFORT, 0000
PAUL F. THOMAS, 0000
DAVID G. THROOP, 0000
PETER N. TROEDSSON, 0000
JOSEPH M. VOJVODICH, 0000
ROBERT P. WAGNER, 0000
ANDREW P. WHITE, 0000
MARCUS E. WOODRING, 0000
VANN J. YOUNG, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSORS, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333 (B) AND 9336 (A):

To be colonel

JOHN M. ANDREW, 0000
MARTIN E. FRANCE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WILLIAM R. EVERETT, 0000
JOHN R. HOLLY II, 0000
JEFFREY J. JEROME, 0000
KEVIN M. JONES, 0000
LARRY W. MAHAR, 0000
ALAN W. PROFFITT, 0000
LLOYD V. SMALL, 0000
PETER D.P. VINT, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

STANLEY A. BLOUSTINE, 0000
KRAIG S. BOWER, 0000
MICHAEL A. MADSEN, 0000
BRYAN L. MARTIN, 0000
LEOPOLDO A. RIVAS, 0000
ELISABETH J. RUSHING, 0000

To be lieutenant colonel

HENRY H. CANTON, 0000
BARBARA A. CROTHERS, 0000
JEFFREY P. MAWHINNEY, 0000

To be major

TERRY D. NEVILLE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DARIO A. BARRATO, 0000
DAVID L. JARRATT, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JERRY BROMAN, 0000
WENDELL J. FOX, 0000
CHARLES M. JENNESS, 0000
FRANKLIN E. TUTTLE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID A. ACCETTA, 0000

CHRISTOPHER D. BAKER, 0000
KRISTIN M. BAKER, 0000
JEFFERY M. BALL, 0000
CARL M. BELGRAVE, 0000
JOHN E. BIRCHER IV, 0000
TIMOTHY D. BLAIR, 0000
LISA M. BLESKEBRISTOW, 0000
WALTON M. BROWN, 0000
JEFFREY S. BUCZKOWSKI, 0000
JAIME S. CHANEZ, 0000
DAVID W. CHESTERMAN, 0000
KEVIN M. COAKLEY, 0000
MICHAEL J. COBB, 0000
DANIEL D. COCKERHAM, 0000
WILLIAM E. COLLIGAN, 0000
RICARDO CRISTOBAL, 0000
JOHN F. CURLEY, 0000
THOMAS A. DAVIS, 0000
GUY M. DEWEES, 0000
RODNEY A. DUNHAM, 0000
ROBERT P. FABRIZIO II, 0000
DERRICK B. FARMER, 0000
DANIEL R. FEEMSTER, 0000
NATHANIEL FLEGLE, JR., 0000
MARK W. GARRETT, 0000
CHRISTOPHER C. GARVER, 0000
MAURA A. GILLEN, 0000
PETER C. GIOTTA, 0000
BRYANT D. GLANDO, 0000
GREGORY W. GLOVER, 0000
CHARLES E. GRINDLE, 0000
ROBERT A. GUERRIERO, JR., 0000
TERRY A. GUILD, 0000
BRADLEY HARDER II, 0000
TAMMY A. HEATH, 0000
ELIZABETH M. HIBNER, 0000
JAMES P. HOLLEY II, 0000
ROBERT H. HOSS, 0000
JAMES W. HOWELL, JR., 0000
MARK V. HOYT, 0000
MICHAEL C. JOHNSON, 0000
JEFFREY A. JONES, 0000
LLOYD C. JONES III, 0000
WILLIAM D. JONES III, 0000
ROBERT S. KIMBROUGH, 0000
DANIEL J. KING, 0000
MARK E. KJORNES, 0000
BERNARD F. KOELSCH, 0000
DUANE L. KRISTENSEN, 0000
CHRISTIAN T. KUBIK, 0000
PHILIP KWONG, 0000
MICHAEL T. LAWHORN, 0000
STEWART W. LILES, 0000
HOWARD Y. LIM, 0000
DAVID A. MARKOWSKI, 0000
PATRICK M. MARSHALL, 0000
RANDY A. MARTIN, 0000
JAMES T. MAYER, 0000
TROY D. MCKEOWN, 0000
ARIC W. MOSS, 0000
TIMOTHY E. MURPHY, 0000
ANDREW C. MUTTER, 0000
SHAWN M. NILIUS, 0000
MAUREEN J. OCONNOR, 0000
BRUCE PERRY, 0000
STACY P. PILGREEN, 0000
EDWARD C. PREM, 0000
STEVEN D. REHN, 0000
WILLIAM ROLDAN, 0000
CHRISTOPHER ROTH, 0000
JAMES E. ROZZI, 0000
LEE R. SALMON, 0000
MICHAEL J. SALUTO, 0000
RICHARD D. SANDERS, JR., 0000
TIMOTHY F. SELPH, 0000
JAC W. SHIPP, 0000
RICKY L. SIMMONS, 0000
PHILIP J. SMITH, 0000
SHARON E. SMITH, 0000
CLAIRE E. STEELE, 0000
TIMOTHY J. TALONE, 0000
DONALD P. TAYLOR, JR., 0000
WILLIAM D. THURMOND, 0000
ROBERT W. TURK, 0000
DAVID E. TUTTLE, 0000
MARK T. VANDEHEI, 0000
VINCENT M. WALLACE, 0000
CHRISTOPHER P. WATKINS, 0000
STEVEN R. WEIK, 0000
DANIEL WHALEN, 0000
DARIUS M. WHITE, 0000
GEORGE D. WINGFIELD, 0000
ROGER E. WRIGHT, 0000
PETER J. ZIOMEK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

LYNETTE M. ARNHART, 0000
VERNON J. BAHM, 0000
GEOFFREY T. BALLOU, 0000
MICHAEL T. BARKETT, 0000
ROBERT L. BATEMAN III, 0000
DENNIS J. BAY, 0000
JAY F. BECKERMAN, 0000
ARNOLD A. BENNETT II, 0000
SHELLEY A. BERRYHODNE, 0000
MAURICE F. BOLDUC, JR., 0000
JAMES P. BOOTH, 0000
TERRELL C. BOYD, 0000
EDWARD T. BRESLOW, 0000
JAMES J. BRUHA, 0000
RYAN A. BRUNK, 0000

SUSAN F. BRYANT, 0000
 TONYA R. BRYANT, 0000
 JAMES D. BURDICK, 0000
 ANTHONY P. BURGESS, 0000
 MICHELLE BURKHART, 0000
 TODD R. CALDERWOOD, 0000
 TIMOTHY J. CALLAHAN, 0000
 ROGER A. CASILLAS II, 0000
 HAROLD P. CATES, 0000
 KIM A. CHANEY, 0000
 JAMES F. CHAPPLE, 0000
 WANDA A. * CHATMAN, 0000
 CHONGKIN CHIN, 0000
 DWAYNE M. COFFMAN, 0000
 WALTER P. COLE, 0000
 GREGORY J. CONTI, 0000
 WILLIAM D. CONWELL, 0000
 DONALD M. COOK, 0000
 STEVEN L. CREIGHTON, 0000
 PHILIP D. CURETON, 0000
 DAVID B. DELMONTE, 0000
 RICHARD A. DELUDE II, 0000
 CYNTHIA A. DILLARD, 0000
 DAVID W. DINGER, 0000
 DONNA M. DORMINEY, 0000
 EDWARD W. DOUGHERTY, 0000
 MARK J. DRABIK, 0000
 NELSON L. EMMONS, JR., 0000
 DAREN A. EPSTEIN, 0000
 BARRY C. EZELL, 0000
 ROBERT B. FLOERSHEIM, 0000
 JAMES C. GALLUP, 0000
 JOHN M. GEORGE, 0000
 LOUIS C. GIAMMATTEO, 0000
 THOMAS L. GIBBINGS, 0000
 MICHAEL P. GILROY, 0000
 KARL H. GINGRICH, 0000
 JOHN G. GREAVES, 0000
 JEFFREY S. GULICK, 0000
 WILLIAM T. HARMON, 0000
 DAVID J. HARTLEY, 0000
 DALE L. HENDERSON, 0000
 TODD M. HENRY, 0000
 DARREN S. HOLBROOK, 0000
 JOSEPH S. HORAB, 0000
 DAVID HUDAK, 0000
 KEITH W. HUNT, 0000
 JAMES E. ILLINGWORTH, 0000
 ROBERT G. IVY, 0000
 DAVID J. KALE, 0000
 BRYAN F. KARINSHAK, 0000
 LISA M. KELLER, 0000
 TODD E. KEY, 0000
 ROBERT M. KOLB, 0000
 ROBERT A. LAIDLAW, 0000
 LISA J. LAMB, 0000
 EMORY B. LEATHERMAN IV, 0000
 KARL E. LINDQUIST, 0000
 CARLOS M. LIZARDI, 0000
 WILLIAM H. LYNCH, JR., 0000
 KRISTIAN H. MARKS, 0000
 BERTHA MAXIE, 0000
 SCOTT E. MCCULLOCH, 0000
 BRIAN R. MCCULLOUGH, 0000
 NEAL F. MCINTYRE, 0000
 EDWARD L. MCCLARNEY, 0000
 PAUL W. MILLARD, 0000
 CHARLES R. MILLER, 0000
 HOWARD T. MINNER, 0000
 DANIEL R. MONSIVAIS, 0000
 KENNETH S. MURPHY, 0000
 MICHAEL B. NELSON, 0000
 CHRISTOPHER B. NICHOLS, 0000
 SUZANNE C. NIELSEN, 0000
 GERALD NIXON, 0000
 FRANK R. NOCERITO, 0000
 CHELSEA M. ORTIZ, 0000
 JOHN C. PAGLIANTTE, 0000
 MICHAEL V. PANNELL, 0000
 PETER K. PATACSI, 0000
 BRIAN A. PATTERSON, 0000
 EDWARD G. PETHAN, 0000
 DONOVAN D. PHILLIPS, 0000
 MARK A. PHILLIPS, 0000
 DIRK E. PLANTE, 0000
 LEE A. POWELL, 0000
 NOEL N. PRATAP, 0000
 CHRISTOPHER N. PRIGGE, 0000
 MICHAEL P. RAGAN, 0000
 EDWARD K. RAWLINS, 0000
 DANE D. RIDEOUT, 0000
 THOMAS H. ROSELIUS, 0000
 THOMAS J. ROTHWELL, 0000
 RICHARD A. SCHUENEMAN, 0000
 LISA A. SHAY, 0000
 DANIEL M. SHRIMPTON, 0000
 PHILIP H. SIMARD, 0000
 MICHAEL W. SIMPSON, 0000
 ALICIA G. SMITH, 0000
 CHRISTOPHER P. SMITH, 0000
 ROBERT M. SMITH, 0000
 JAMES A. SPARKES, 0000
 JOHN H. STEVENSON, 0000
 DAVID S. STOKES, 0000
 MARK D. TRIBUS, 0000
 DAVID C. TRYBULA, 0000
 LOUANN TUCKER, 0000
 JOHN C. ULRICH, 0000
 STEPHEN E. VALLEJO, 0000
 PAUL L. WEBBER, 0000
 FLORIAN M. WEBSTER, 0000
 DOUGLAS M. WEINER, 0000
 GREGORY A. WHITE, 0000
 CONNIE WILLIAMS, 0000
 JOHN B. WILLIS, 0000
 ISAIAH WILSON III, 0000
 WILLIAM T. WINKLBAUER, 0000

MICHAEL A. WRIGHT, 0000
 WADE S. YAMADA, 0000
 EUGENE A. YANCEY III, 0000
 DANIEL E. ZALEWSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

DAVID M. ABBINANTI, 0000
 ALFRED F. ABRAMSON III, 0000
 JESUS AGUIRRE, 0000
 MICHAEL D. AMMONS, 0000
 PATRICK S. ANDERSON, 0000
 BRUCE A. ARCHAMBAULT, JR., 0000
 MICHAEL A. ASCURA, 0000
 WILLIAM J. BAILEY, 0000
 ANTONIO E. BANCHS, 0000
 NATHAN D. BARRICK, 0000
 ERIC A. BARTO, 0000
 JOHN C. BASKERVILLE, 0000
 PAUL J. BECKER, 0000
 DAVID C. BERG, 0000
 MICHAEL E. BILVAIS, 0000
 RALPH T. BLACKBURN, 0000
 EDWARD M. BONFOY III, 0000
 KARL W. BORJES, 0000
 DAVID R. BRIGHAM, 0000
 GREGORY J. BROECKER, 0000
 JOHANNES BRONDUM, 0000
 AARON M. BROWN, 0000
 ANTONIO BROWN, 0000
 CHRISTOPHER L. BROWN, 0000
 HAROLD A. BUHL, JR., 0000
 JOHN J. BURBANK, 0000
 DAVIS L. BUTLER, 0000
 LEO P. BUZZERIO, 0000
 STEVEN C. CALHOUN, 0000
 JAY T. CARR, 0000
 BRYAN K. CHAPMAN, 0000
 JAMES K. CHOUNG, 0000
 DAVID S. COFFEY, 0000
 RAYMOND K. COMPTON, 0000
 JOHN P. CONWAY, 0000
 JEFFREY R. COOPER, 0000
 DENNIS V. CRUMLEY, 0000
 PHILLIP R. CUCIA, 0000
 JEFFREY L. CULLEN, 0000
 DAVID S. DANNER, 0000
 GERALD R. DAVIS, JR., 0000
 CHARLES P. DEASE, 0000
 JAMES P. DELANEY, 0000
 ROBERT A. DIONISIO, 0000
 MICHAEL E. DONNELLY, 0000
 JOHN D. DUMOND, 0000
 ERNEST L. DUNLAP, JR., 0000
 JOSEPH P. DUPONT, 0000
 CHARLES J. EMERSON, JR., 0000
 THEODORE M. EPPLER, 0000
 WAYNE E. EPPS, 0000
 TROY A. FABER, 0000
 ROBERT L. FISHER, 0000
 KEITH A. FAIL, 0000
 WADE A. FOOTE, 0000
 EDWARD M. FORTUNATO, 0000
 PETER C. FOWLER, 0000
 TOD C. FURTAO, 0000
 NORMAN H. FUSS III, 0000
 TERESA M. GEDULDIG, 0000
 DONALD F. GENTLES, 0000
 GORDON L. GRAHAM, 0000
 DAVID W. GRAUEL, 0000
 COLL S. HADDON, 0000
 PAUL T. HAENLE, 0000
 ALLEN L. HAINES, 0000
 TIMOTHY M. HALE, 0000
 JOSEPH G. HALISKY, 0000
 PATRICK D. HALL, 0000
 BENJAMIN M. HARRIS, 0000
 MARK A. HINDS, 0000
 JOSEPH K. HITT, 0000
 BRADLEY A. HOCEVAR, 0000
 CLAYTON H. HOLT, 0000
 ROBERT K. HOLZHAUER, 0000
 LARRY L. HOMAN, 0000
 TERRENCE L. HOWARD, 0000
 TONIE D. JACKSON, SR., 0000
 VERNON L. JAMISON, 0000
 JENNIFER L. JENSEN, 0000
 LAFONDA F. * JERNIGAN, 0000
 JOHN W. JONES, 0000
 MICHEL G. JONES, 0000
 DAVID M. KACZMARSKI, 0000
 MARK M. KARAS, 0000
 RONALD L. KELLAR, 0000
 DAVID A. KEMMERER, 0000
 PETER K. KEMP, 0000
 JOHN S. KIM, 0000
 DOUGLAS J. KISER, 0000
 HEIMO KLINCK, 0000
 MATTHEW KRISTOFF, 0000
 TODD F. LAMB, 0000
 JONATHAN D. LAU, 0000
 ERNEST C. LEE, 0000
 DAVID A. LEINBERGER II, 0000
 KEVIN L. LEONARD, 0000
 BLAISE P. LIESS, 0000
 THOMAS E. LIPPERT, 0000
 MICHAEL S. LOFTON, 0000
 PETER P. LOZIS III, 0000
 ALEX F. LUCAS III, 0000
 CHRIS L. LUKASEVICH, 0000
 VINCENT F. MALONE II, 0000
 PHILIP A. MARTINSON, 0000
 JOHN W. MATLOCK, JR., 0000
 JOHN C. MATTHEWS, 0000
 SHANNON J. MCCOY, 0000
 DAVID F. MCFADDEN, 0000
 CHAD A. MCGOUGAN, 0000
 ROBERT J. MCKENNA, 0000
 RYAN P. MCMULLEN, 0000
 DAVID B. MILLNER, 0000
 STEPHEN T. MILTON, 0000
 BRADLEY K. MITCHELL, 0000
 ROBERT P. MOONEY, JR., 0000
 ROBERT F. MORTLOCK, 0000
 BRIAN P. MURPHY, 0000
 MICHAEL W. NEWELL, 0000
 THOMAS D. NEWMAN, 0000
 DAVID A. OCONNELL, 0000
 TOMAS E. OLIVA, 0000
 RICHARD H. OUTZEN, 0000
 DOUGLAS L. OYLER, 0000
 GERRITT F. PECK, 0000
 KEVIN S. PEEL, 0000
 ERIC A. PHILLIPSON, 0000
 RAYMOND D. PICKERING, 0000
 ALLEN M. PILGRIM, 0000
 JOHN R. PILLONI, 0000
 JOHN F. POLLACK, 0000
 PRISCILLA RAMSEY, 0000
 SCOTT J. RAUER, 0000
 LARRY J. REDMON, 0000
 NICHOLAS R. REISDORFF, 0000
 RICHARD M. REYNO, 0000
 JON K. RICKEY, 0000
 GIB S. RIGG, 0000
 JASON W. ROBBINS, 0000
 KENNETH L. ROBERTSON, 0000
 WALTER R. ROBERTSON, 0000
 KELVIN L. ROBINSON, 0000
 RENE R. RODRIGUEZ, 0000
 STEPHEN M. ROGERS, 0000
 JAMES S. ROMERO, 0000
 PAUL H. ROSS, 0000
 MARTIN A. RYAN, 0000
 THOMAS G. RYAN, 0000
 DOUGLAS A. SCHUETZ, 0000
 MATTHEW B. SCHWAB, 0000
 LANCE E. SCOTT, 0000
 JOHN E. SEAMON, 0000
 TREVOR W. SHAW, 0000
 ROBERT W. SHELTON, 0000
 RODNEY E. SISSON, 0000
 MARGARET A. SOSINSKI, 0000
 JASON L. STINE, 0000
 SCOT F. STINE, 0000
 MARK W. STONE, 0000
 MAYNARD J. SWEENEY, JR., 0000
 BRENT A. THOMAS, 0000
 TODD E. THOMAS, 0000
 BRIAN L. THOMPSON, 0000
 MICHAEL J. THURSTON, 0000
 MICHAEL J. TICE, 0000
 BRENDA K. TIONGSON, 0000
 SANDRA L. VANNOLEJASZ, 0000
 LAURA R. VARHOLA, 0000
 JEFFERY L. VESTAL, 0000
 KEVIN M. VOLK, 0000
 GORDON T. WALLACE, 0000
 CHARLES S. WALLS IV, 0000
 KAREN P. WALTERS, 0000
 THOMAS M. WEAVER, 0000
 TY S. * WEAVER, 0000
 MICHAEL K. WEGLER, 0000
 JOHN W. WHATLEY IV, 0000
 MATTHEW D. WHITNEY, 0000
 STEPHEN T. WILLHELM, 0000
 RICHARD L. WILLIAMS, 0000
 ROBERT R. WILLIAMS, 0000
 RODNEY V. WILLIAMS, 0000
 GREGORY S. WINSTON, 0000
 JOHN R. WITHERS, 0000
 JEFFREY K. WOODS, 0000
 WILLIAM T. WORLEY, 0000
 WILLIAM R. WYGAL, 0000
 DARRELL H. ZEMITIS, 0000
 JORGE E. ZEQUEIRA, 0000
 MICHAEL P. ZRIMM, JR., 0000
 MARTIN A. ZYBURA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

MARY E. ABRAMS, 0000
 WILLIAM E. ACHESON, 0000
 JAMES E. ADAMS, JR., 0000
 SKIP ADAMS, 0000
 ROBERT C. AGANS, JR., 0000
 JOHN S. AGOR, 0000
 ALBERT L. ALBA, 0000
 TIMOTHY P. ALBERS, 0000
 MICHAEL T. ALEXANDER, 0000
 LARRY D. ALLEN, 0000
 STEVEN L. ALLEN, 0000
 JOHN C. ALLRED, 0000
 SCOTT R. ALPETER, 0000
 EDWARD J. AMATO, 0000
 JEFFERY A. ANDERSON, 0000
 MATTHEW D. ANDERSON, 0000
 RICHARD P. ARMSTRONG, 0000
 JOSEPH D. ARMSTRONG, 0000
 CHARLES B. ARNETT III, 0000
 JOE E. ARNOLD, JR., 0000
 QUINTON J. ARNOLD, 0000
 WARREN S. ARONSON, 0000

BOBBY R. ATWELL, JR., 0000
 CHRISTOPHER L. BABCOCK, 0000
 DONALD R. BACHLER, 0000
 JACQUELINE * BAEHLER, 0000
 ROBERT L. BAILES, 0000
 DAVID E. BAILEY, 0000
 SCOTT R. BAKER, 0000
 DONALD L. BALCH, 0000
 JAMES F. BALL, 0000
 MICHAEL J. BARA, 0000
 JOHN C. BARBER, 0000
 KEITH A. BARCLAY, 0000
 ROBERT L. BARNES, JR., 0000
 ROY W. BARNES, 0000
 WILLIAM J. * BARNETT, 0000
 JONATHAN R. BATTLE, 0000
 GREGORY BAULDRICK, 0000
 JOHN M. BAYER, 0000
 STANLEY H. BECKFORD, 0000
 GREGORY P. BEDROSIAN, 0000
 GEORGE S. BELIN, 0000
 RUTH BELLERIVE, 0000
 TIMOTHY E. BELLON, 0000
 PAUL G. * BELOBRAJDIC, 0000
 GREGORY BENDEWALD, 0000
 KENNETH W. BENIGNO, 0000
 AMY E. BENNETT, 0000
 JAMES T. BENSON, 0000
 WILLIAM E. BENSON, 0000
 MARIA G. BENTINCK, 0000
 NICHOLAS O. BERNHARDT, 0000
 SCOTT J. BERTINETTI, 0000
 CARTER J. BERTONE, 0000
 JAMES A. BEST, 0000
 JUDE P. BILAFER, 0000
 CAROLYN S. BIRCHFIELD, 0000
 BRIAN R. BISACRE, 0000
 MANUEL BLANCO, 0000
 GARY E. BLOOMBERG, 0000
 SCOTT A. BODINE, 0000
 SHANNON L. BOEHM, 0000
 TIMOTHY J. BOEMECKE, 0000
 JOHN V. BOGDAN, 0000
 EDWARD T. BOHNEMANN, 0000
 DOUGLAS A. BOLTUC, 0000
 ERIK B. BORGESON, 0000
 DWAIN K. BOTELER, 0000
 DANIEL A. BOWMAN, 0000
 ROBERT G. BOZIC, 0000
 BRIAN M. BRANDT, 0000
 ALLEN G. BRANNAN, 0000
 GENE A. BRAVENEC, JR., 0000
 JOSEPH M. BRAY, 0000
 ROBERT D. BREM, 0000
 KEVIN W. BREUERS, 0000
 JEFFERY D. BROADWATER, 0000
 WILLIAM T. BROOKS, 0000
 DANIEL D. BROPHY, 0000
 AUZZIE K. BROWN, 0000
 TRACY BROWN, 0000
 VICTOR S. BROWN, 0000
 WILLIAM I. BROWN, 0000
 XAVIER T. BRUNSON, 0000
 DERRICK B. BRYANT, 0000
 JAMES A. BRYANT, 0000
 GLEN J. BUCHERT, 0000
 DALE R. BUCKNER, 0000
 JENNIFER G. BUCKNER, 0000
 MARK S. BUEHLMAN, 0000
 MART E. BUMGARDNER, 0000
 JOHN E. BURGESS, 0000
 JONATHAN M. BURNS, 0000
 TODD W. BURNS, 0000
 WILLIAM L. BURRUS III, 0000
 MARK BURTNER, 0000
 RICHSON BUSH, 0000
 BRENT D. BUSH, 0000
 TIMOTHY W. BUSH, 0000
 MICHAEL P. BUSTEED, 0000
 DWAYNE M. BUTLER, 0000
 JEFFREY A. BUTLER, 0000
 KELLY B. BUTLER, 0000
 RODNEY S. BUTLER, 0000
 ROBERT M. BUTTS, 0000
 JOSEPH M. BYERS, 0000
 THOMAS H. BYRD, 0000
 MATTHEW P. CADICAMO, 0000
 MARK T. CALHOUN, 0000
 PATRICK M. CALLAHAN, 0000
 SHANA J. CAMPBELL, 0000
 STEPHAN A. CAPPS, 0000
 THOMAS H. CARLISLE, 0000
 RICHARD T. CARNEY, 0000
 DONALD L. CARR, 0000
 MATTHEW R. CARRAN, 0000
 KELLY M. CARRIGG, 0000
 KENNETH R. CASEY, 0000
 TIMOTHY A. CHAFOS, 0000
 JAY K. CHAPMAN, 0000
 CURTIS CHARLESTON, 0000
 DAVID L. CHASE, 0000
 ANTHONY R. CHAVEZ, 0000
 CHRISTOPHER K. CHESNEY, 0000
 RONALD CHILDRESS, JR., 0000
 SONG S. CHOI, 0000
 DAVID A. CHRISTIE, 0000
 JEFFREY D. CHURCH, 0000
 JAMES L. CLARK, 0000
 CHARLES CORBS III, 0000
 BRIAN COLE, 0000
 DARIN S. CONKRIGHT, 0000
 JOHN A. CONWAY, 0000
 MICHAEL J. CONWAY, 0000
 PAUL J. COOK, 0000
 TERRY P. COOK, 0000
 BRIAN K. COPPERSMITH, 0000
 JOSEPH R. CORLETO, 0000

JOHN T. CORNELIUS, JR., 0000
 JOEL W. CORNELL, 0000
 REGINALD W. COTTON, 0000
 CLEMENT S. COWARD, JR., 0000
 ERICK C. * CREWS, 0000
 JOEL R. CROSS, 0000
 MARY K. * CRUSAN, 0000
 DIANE T. CUMMINSLEFLER, 0000
 ROBERT W. CURRAN, 0000
 PATRICK J. DAILEY, 0000
 CHARLES J. DALCOURT, JR., 0000
 GERALD N. DAMRON, 0000
 PATRICK L. DANIEL, JR., 0000
 EUGENE A. DANIELS, 0000
 JAMES L. DANIELS, 0000
 MARTIN J. DANNATT, 0000
 STEPHEN A. DANNER, 0000
 CHRISTOPHER D. DARE, 0000
 LOREN J. DARMOFAL, 0000
 MICHAEL R. DARROW, 0000
 KIMBERLY J. DAUB, 0000
 MICHAEL N. DAVEY, 0000
 JOSEPH D. DAVIDSON, 0000
 DAVID M. DAVIS, 0000
 JENNY W. DAVIS, 0000
 BRANDT H. DECK, 0000
 JOHN D. DECK, 0000
 JERRY W. DEJARNETT, 0000
 DAVID L. DELLINGER, 0000
 RICHARD A. DEMAREE, 0000
 ANTHONY G. DEMARTINO, 0000
 MICHAEL J. DEMPSEY, 0000
 KEVIN M. DEREMER, 0000
 EDWARD J. DESANTIS, 0000
 MARK J. * DESCHENES, 0000
 STEPHAN A. DEVILLE, 0000
 BARRY C. DICKERSON, 0000
 MARK A. DICKSON, 0000
 FRANK J. DIEDRICK, 0000
 DAVID D. DILKS, 0000
 ANTHONY C. DILL, 0000
 JEFFREY D. DILLMUTH, 0000
 ROBERT N. DILLON, 0000
 MANUEL C. DIWA, 0000
 THOMAS R. DITOMASSO, 0000
 ALAN M. DODD, 0000
 WADE R. DOENGES, 0000
 JAMES W. DOEPP, JR., 0000
 IGNATIUS M. DOLATA, JR., 0000
 JOHN F. * DOWNEY, 0000
 ROBERT H. DOYLE, JR., 0000
 DANIEL E. DREW, 0000
 MARLEAN C. DRUCE, 0000
 JEFFREY W. DRUSHAL, 0000
 THOMAS H. DUFFY, 0000
 DANNY A. DULAY, 0000
 JOHN F. DUNLEAVY, 0000
 LARRY P. DUNN, 0000
 MICHAEL R. DUNNING, 0000
 KEVIN L. DURBIN, 0000
 STEPHEN J. DURHAM, 0000
 DAVID C. DUSTERHOFF, 0000
 MICHAEL J. DUTCHUK, 0000
 JOSEPH J. DWORCZYK, 0000
 ADRIENNE M. ECKSTEIN, 0000
 ROLAND M. EDWARDS, 0000
 MARGARET J. EGAN, 0000
 BRIAN S. EIPLER, 0000
 JOHN W. EISENHAUER, 0000
 MARK B. ELFPENDAHL, 0000
 DAVID J. ELL, 0000
 STEPHEN A. ELLE, 0000
 MATTHEW G. ELLEDGE, 0000
 HAYES G. ELLIS, 0000
 KRISTIN A. ELLIS, 0000
 RICHARD A. ELLIS, 0000
 ROBERT A. ELMORE, 0000
 NORMAN C. ESTRELLA, 0000
 GARY C. FAHRNI, 0000
 JOHN J. FARIA, 0000
 NATHANIEL W. FARMER, 0000
 DOUGLAS M. FARRIS, 0000
 MATTHEW D. FERGUSON, 0000
 MATTHEW J. FERGUSON, 0000
 JOHN D. FICKEL, 0000
 PAUL J. FINKEN, 0000
 NATALIE E. FINLEY, 0000
 ROBERT F. FINN, JR., 0000
 WILLIAM L. FISKE, 0000
 DAVID S. FLECKENSTEIN, 0000
 SAMUEL A. FLOYD III, 0000
 TROY D. FODNESS, 0000
 THOMAS H. FOLSE, 0000
 ANDAMO E. * FORD, 0000
 MICHAEL J. FORSYTH, 0000
 ROBERT A. FORTE, 0000
 KEVIN J. FOWLER, 0000
 ALFRED E. FRANCIS, 0000
 DAVID H. FRANCIS, 0000
 PAUL H. FREDENBURGH, 0000
 IVORY M. FREEMAN, 0000
 REBECCA M. FREEZE, 0000
 MICHAEL G. FREIBURGER, 0000
 STEVEN R. FUSINETTI, 0000
 MICHAEL P. GABEL, 0000
 SEAN A. GAINNEY, 0000
 PAUL B. GALE II, 0000
 MICHAEL P. GALLAGHER, 0000
 KIMO C. GALLAHUE, 0000
 JESSE D. GALVAN, 0000
 DORIS L. GARCIA, 0000
 HEATHER L. GARRETT, 0000
 LOYE W. * GAU, 0000
 NORMAND A. GUTHIER, 0000
 TIMOTHY J. GAUTHIER, 0000
 JAMES A. GAVRILIS, 0000
 HOLLY A. GAY, 0000

GREGORY A. GEHLER, 0000
 WILLIAM A. GEIGER, 0000
 DAVID A. GEORGE, 0000
 LOYD A. GERBER, 0000
 CHRISTOPHER J. GERVASIS, 0000
 PIERRE D. GERVASIS, 0000
 KENNETH C. GILL, 0000
 STEVEN W. GILLAND, 0000
 MICHAEL J. GILLETTE, 0000
 ELUYN GINES, 0000
 MAURICE E. GISSENDANNER, 0000
 EARL R. GLOVER, 0000
 FREDERICK V. GODFREY, 0000
 JOHN C. GOETZ II, 0000
 STUART P. GOLDSMITH, 0000
 LORRI A. GOLYA, 0000
 JESUS F. GOMEZ, 0000
 BARBARA J. GOMOLL, 0000
 GEORGE W. GONAS, 0000
 GREGORY A. GONDECK, 0000
 MATTHEW G. GOODMAN, 0000
 MATTHEW D. GOODRICH, 0000
 WILLIAM P. GRAHAM, 0000
 CHRISTOPHER T. GRANFIELD, 0000
 MARK A. GRAZDAN, 0000
 MARK N. GRDOVIC, 0000
 ANTHONY L. GREEN, 0000
 STEPHEN J. GREEN, 0000
 RICHARD G. GREENE, JR., 0000
 WILLIAM N. GREENE, 0000
 LEVY L. GREENHOWELL, 0000
 KEVIN F. GREGORY, 0000
 BRUCE E. GRIGGS, 0000
 KEITHON C. GRIGSBY, 0000
 JOHN P. GRIMES, 0000
 STUART J. GUBLER, 0000
 ZULMA I. GUERRERO, 0000
 LEIF W. GUNHUS, 0000
 GORDON D. GUTHRIE, 0000
 OMAR F. GUTIERREZ, 0000
 PETER M. HAAS, 0000
 ROBERT B. HAINES, 0000
 ELIZABETH N. HALFORD, 0000
 BILLY V. HALL II, 0000
 DOUGLAS J. HALL, 0000
 MARK M. HALL, 0000
 JOHN W. HALLAM, JR., 0000
 JOEL E. HAMBY, 0000
 GEORGE S. HAMONTREE III, 0000
 ERIC D. HANDY, 0000
 KEITH F. HANLEY, 0000
 ROBERT M. HANLEY, 0000
 FREDRICK J. HANNAH, 0000
 JAMES R. HANSON IV, 0000
 JOSEPH P. HANUS, 0000
 STEPHEN L. HARDY, 0000
 KENNY D. HARPEL, 0000
 KEITH R. HARRIS, 0000
 LOUIS L. HARRIS, 0000
 RANDALL L. HARRIS, 0000
 JOE L. HART, JR., 0000
 ERIC S. HARTER, 0000
 CHARLES W. HARTFORD, 0000
 ROBERT L. HATCHER, JR., 0000
 DAVID A. HATER, 0000
 RANDOLPH G. HAUF, 0000
 KENNETH A. HAWLEY, 0000
 RANDALL I. HAWS, 0000
 JOHN M. HAYNICZ, 0000
 TIMOTHY P. HEALY, 0000
 JAMES J. HEATHER, 0000
 SCOTT W. HEINTZELMAN, 0000
 KEVIN D. HENDRICKS, 0000
 MATTHEW S. HERNANDEZ, 0000
 DARYLE J. HERNANDEZ, 0000
 JACQUELINE W. HESS, 0000
 KEVIN C. HICKS, 0000
 JAMES M. HIGGINS, 0000
 TOMMY R. HIGGINS, 0000
 GARY B. HILMES, 0000
 JOHN C. HINRICHS, 0000
 STEVEN L. HITE, 0000
 JOHN B. HIXON, 0000
 CHARLEY D. HOLSTEIN, JR., 0000
 TIMOTHY J. HOLT, JR., 0000
 KENNETH R. HOOK, 0000
 JOHN D. HOPSON, 0000
 GARTH M. HORNE, 0000
 CLAUDE E. HOUSE, 0000
 MIGUEL D. HOWE, 0000
 MARK G. HRECZUCK, 0000
 CURTIS W. HUBBARD, 0000
 JOHN C. HUGGINS, 0000
 DARRELL H. HUNT, 0000
 DANIEL S. HURLBUT, 0000
 HEYWARD G. HUTSON, 0000
 ROBERT W. HUTSON, 0000
 PETER S. IM, 0000
 JOSEPH M. IMORDE, JR., 0000
 JERRY L. IVESTER, 0000
 TERRY A. IVESTER, 0000
 HUGO JACKSON, 0000
 JEROME W. JACKSON III, 0000
 MARK A. JACKSON, 0000
 RANDLE K. JACKSON, 0000
 RENE JACKSON, JR., 0000
 VALERIE D. JACKSON, 0000
 DOUGLAS E. JACOBSON, 0000
 GREGORY M. JAKSEC, 0000
 GREGORY K. JAMES, 0000
 SELWYN R. JAMISON, 0000
 JOHN M. JAMKA, 0000
 JEFFREY J. * JANOSIK, 0000
 ALAN L. JANS, 0000
 NANCY W. JEANLOUIS, 0000
 BRETT C. JENKINSON, 0000
 THOMAS D. * JESSEE, 0000

GREGORY R. JICHA, 0000
 BERNARD JOHNSON, 0000
 CHRISTOPHER B. JOHNSON, 0000
 CHRISTOPHER S. JOHNSON, 0000
 MORDECAI C. JOHNSON, 0000
 JOEL S. JOHNSTON, 0000
 CRAIG A. JONES, 0000
 DAVID E. JONES, 0000
 JOHN R. JONES, 0000
 ROBERT A. JONES, 0000
 JOHN E. JORDAN, 0000
 JOSEPH R. JORDAN, 0000
 JOSEPH W. JURKOVAC, 0000
 BETH J. KALB, 0000
 DAVID J. KAMMEN, 0000
 KENNETH L. KAMPER, 0000
 MATTHEW G. KARRER, 0000
 CHRISTIAN M. KARSNER, 0000
 DENNIS K. KATER, 0000
 NICHOLAS W. KATERS, 0000
 LAWRENCE D. * KATZ, 0000
 AUSTIN KEATON, JR., 0000
 VALERY C. KEAVENY, JR., 0000
 TIMOTHY F. KEHOE, 0000
 THOMAS D. KELLER, 0000
 ROBERT L. KELLEY, JR., 0000
 MARK B. KELLY, 0000
 KEVIN E. KENNEDY, 0000
 JUSTIN E. KIDD, 0000
 HAIMES A. KILGORE, 0000
 LOUIS S. KILMON, JR., 0000
 DAVID T. KIM, 0000
 MICHAEL K. KINARD, 0000
 ROBERT E. KING, 0000
 ANDREW D. KIRKNER, 0000
 JANET L. KIRKTON, 0000
 JEFFRY A. KLEIN, 0000
 LEONA C. KNIGHT, 0000
 JOACHIM W. KNISPSEL, 0000
 CARL D. KNOTTS, 0000
 STEPHEN J. KOANECHY, 0000
 JOHN Y. KORNMAN, 0000
 WILLIAM M. KRAHLER, 0000
 CAMERON A. KRAMER, 0000
 JOSEPH C. KREBS, JR., 0000
 TROY D. KRINGS, 0000
 ERIC J. KRUGER, 0000
 MARK A. KRZECZOWSKI, 0000
 KIMBERLY S. KUHN, 0000
 JOSEPH E. LADNER, 0000
 JEFFREY L. LAFACE, 0000
 MARK H. LANGE, 0000
 JOHN K. LANGE, 0000
 RORIK W. LARSON, 0000
 JOHN S. LASKODI, 0000
 LESTER A. LAYMAN, 0000
 BRUCE E. LEAHY, 0000
 TIMOTHY J. LEAKE, 0000
 KYLE E. LEAR, 0000
 WILLIAM M. LEDBETTER, 0000
 SIOBAN J. LEDWITH, 0000
 MICHAEL P. LEFEBVRE, 0000
 THEODORE M. LENNON, 0000
 HUGO F. LENTZE, 0000
 PERRY R. LEONARD, 0000
 DAVID A. LESPERANCE, 0000
 CHRISTOPHER LESTOCHI, 0000
 JOEL J. LEVESQUE, 0000
 DAVID S. LEVINE, 0000
 MICHAEL A. LEWIS, 0000
 LELAND A. LIEBE, 0000
 MICHAEL T. LILLEY, 0000
 GREG A. LIND, 0000
 BERNARD R. LINDSTROM, 0000
 LAURENCE C. LOBELLE, 0000
 TROY A. LOEB, 0000
 JAMES M. LOFFERT, 0000
 ANDREW D. LOHMAN, 0000
 SCOTT P. LOPEZ, 0000
 ARTUR M. LOUREIRO, 0000
 COLIN E. LOWE, 0000
 JOHN M. LOWE, 0000
 WILLIAM A. LUKASKIEWICZ, 0000
 SON H. LUU, 0000
 MICHAEL R. LWIN, 0000
 TRENTON J. LYKES, 0000
 ROBERT W. LYONS, 0000
 THOMAS H. MACKEY, 0000
 LOUANN H. MADDOX, 0000
 ANNE M. MAHANA, 0000
 GREGORY S. MAHONEY, 0000
 MICHAEL J. MANGAY, 0000
 WILLIAM J. MANGAY, 0000
 STEPHEN C. MANNELL, JR., 0000
 KENNETH R. MANNING, 0000
 JAMES C. MARKERT, 0000
 ERIC D. MARRATTA, 0000
 EDGAR A. MARSHALL, 0000
 TED L. MARTENS, 0000
 MICHAEL E. MASLEY, 0000
 MELINDA M. MATE, 0000
 BENJAMIN M. MATTHEWS, 0000
 PATRICK L. MATTHEWS, 0000
 FRANK W. * MAUDIE, 0000
 KEVIN M. MCALLISTER, 0000
 ROBERT H. MCCLURE III, 0000
 DENISE I. MCCLURE, 0000
 JUQITA D. MCCLURE, 0000
 MARK A. * MCCOMBS, 0000
 KENDRICK W. MCCORMICK, 0000
 BRIAN T. MCCOY, 0000
 GEORGE R. MCDONALD, 0000
 PHILLIP N. MCDONALD, JR., 0000
 JOSEPH P. MCGEE, 0000
 HUGH M. MCGLOIN, 0000
 DANIEL C. MCGUFFEY, 0000
 STEVEN T. MCGUGAN, 0000

ROBERT A. MCGUIRE, JR., 0000
 CHRIS E. MCINTOSH, 0000
 OWEN E. MCKAY IV, 0000
 KEVIN M. MCKENNA, 0000
 SEAN P. MCKENNEY, 0000
 ANTONIO MCKOY, 0000
 JOSEPH S. MCLAMB, 0000
 SCOTT A. MCLAUGHLIN, 0000
 STANLEY D. MCMILLIAN, 0000
 RONALD W. MCNAMARA, 0000
 BRUCE B. MCPEAK, 0000
 WILLIAM E. MCRAE, 0000
 MICHAEL R. MCSWEENEY, 0000
 EDWARD A. MEAD, 0000
 ANGELA D. MEGGS, 0000
 LESLIE A. MEHALL, 0000
 SCOTT L. MEIER, 0000
 ROBERT A. MENDEL, 0000
 CORY A. MENDENHALL, 0000
 MONICA MENDEZ, 0000
 ROBERT L. MENTI, 0000
 GENE D. MEREDITH, 0000
 JOHN W. MERRIHEW, 0000
 ERIC N. MILLER, 0000
 JAMES D. MILLER, 0000
 MARK A. MILLER, 0000
 MONICA M. MILLER, 0000
 RALPH E. MILLER, 0000
 THOMAS E. MILLER, 0000
 MATTHEW C. MINGUS, 0000
 STEVEN M. MISHA, 0000
 JONATHAN R. * MOELTER, 0000
 KEVIN J. MOFFETT, 0000
 CHRISTOPHER O. MOHAN, 0000
 PETER J. MOLIK, 0000
 RICHARD J. MONAHAN, JR., 0000
 ARMIDA MONTENAYOR, 0000
 PETER J. MOONS, 0000
 DAVID W. MOORE, 0000
 JAMES S. MOORE, JR., 0000
 FASCAL F. MOORE, 0000
 PETER R. MOORE, 0000
 RICARDO O. MORALES, 0000
 JOHN M. MORGAN, 0000
 MICHAEL D. MORGAN, 0000
 DANIEL L. MORRIS, 0000
 DEBORAH S. MORRIS, 0000
 SCOTT A. MORRISON, 0000
 MICHAEL T. MORRISSEY, 0000
 BRUCE D. MOSSES, 0000
 JAMES A. MOSSEY, 0000
 BERNARD L. MOXLEY, JR., 0000
 MARTY L. MUCHOW, 0000
 DANIEL M. MULCAHY, 0000
 SEAN F. MULLEN, 0000
 KEVIN J. MULVHILL, 0000
 MICHAEL D. MUMFORD, 0000
 THOMAS B. * MURPHREE, 0000
 MICHAEL J. MURPHY, 0000
 THOMAS P. MURPHY, 0000
 DAVID L. MUSGRAVE, 0000
 JOHN H. MYERS, 0000
 RONALD G. MYERS, 0000
 KRISTINE V. NAKUTIS, 0000
 JOHN C. NELSON, 0000
 DAVID M. NERO, 0000
 JONATHAN T. NEUMANN, 0000
 CHARLES E. NEWBIGIN, 0000
 ERIC J. NIKSCH, 0000
 KYLE P. NORDMEYER, 0000
 ANGIE D. NORMAN, 0000
 DERRICK J. NORMAN, 0000
 TIMOTHY P. NORTON, 0000
 GARTH R. NOTEL, 0000
 JOSEPH R. NOVACEK, JR., 0000
 GREGORY T. NUMANT, 0000
 BENJAMIN M. NUTT, 0000
 DAVID M. OBERLANDER, 0000
 LAWRENCE P. O'CONNELL, 0000
 ANGELA M. ODOM, 0000
 FRANK P. O'DONNELL, 0000
 FREDERICK M. O'DONNELL, 0000
 WESLEY R. ODUM, JR., 0000
 WALTER S. OLENIK, 0000
 DOUGLAS A. OLLIVANT, 0000
 PAUL E. OLSEN, 0000
 CHRISTIAN B. OROURKE, 0000
 THOMAS W. OSTEEEN, 0000
 TROY D. OTTO, 0000
 PAUL E. OWEN, 0000
 WILLIAM G. OXTORY, 0000
 MARK A. PAGET, 0000
 RICHARD P. PANNELL, 0000
 JEFFERSON R. PANTON, 0000
 ROBERT L. PARK, 0000
 AMY J. PARKER, 0000
 CHARLES N. PARKER, JR., 0000
 DANIEL J. PARKER, 0000
 STEVEN L. PARKER, 0000
 KENNETH W. PARKS, 0000
 LEON F. PARROTT, 0000
 ROBIN E. PARSONS, 0000
 JEFFREY S. * PASQUINO, 0000
 DENNIS N. PASTORE, 0000
 MICHAEL S. PATTON, 0000
 DANNY L. PAYNE, 0000
 JOHN J. PEACHER, 0000
 TERRANCE S. PEARSON, 0000
 WILLIAM B. PEASTER, 0000
 MARK W. PEED, 0000
 ALLAN M. PEPIN, 0000
 LARRY D. PERINO, 0000
 DALE G. PETERSEN, 0000
 SCOTT A. PETERSEN, 0000
 DANIEL J. PETERSON, 0000
 KEVIN S. PETTIT, 0000
 JOHN P. PETKOSEK, 0000

SALVATORE J. PETROVIA, 0000
 SHAWN A. PHILLIPS, 0000
 HOWARD J. PICKETT, 0000
 TIMOTHY J. PIKE, 0000
 GEORGE S. PITT, 0000
 BILLINGSLEY G. POGUE III, 0000
 BENNIE J. POKEMIRE, 0000
 ROBERT M. POLLOCK, 0000
 SHANNON G. POOL, 0000
 JOHN P. * POPPIE, 0000
 JEANNE E. POWERS, 0000
 JOHN S. PRAIRIE, 0000
 ALAN R. PREBLE, 0000
 DAVID A. PRIATKO, 0000
 ERIC R. PRICE, 0000
 JEFFREY R. PRICE, 0000
 JUDITH M. PRICE, 0000
 PARKER C. PRITCHARD, 0000
 JEFFREY S. PROUGH, 0000
 THOMAS A. PUGH, 0000
 RICHARD S. QUAGLIATA, 0000
 DOUGLAS L. RADDATZ, 0000
 CAREY W. RADICAN, 0000
 LOUIS B. RAGO II, 0000
 MITCHELL L. RAMBIN, 0000
 MICHAEL R. RAMIREZ, 0000
 JON D. RANDEL, 0000
 DAVID C. RASMUSSEN, 0000
 ROBERT L. RASMUSSEN, JR., 0000
 DAVID R. RAYMOND, 0000
 KENNETH A. RECTOR, 0000
 SCOTT W. REDD, 0000
 MATTHEW D. REDDING, 0000
 BRENTON E. REINHARDT, 0000
 ERIC T. REINKOBER, 0000
 BRETT E. REISTER, 0000
 CARMEN M. REYESAGUAYO, 0000
 JOHN W. REYNOLDS II, 0000
 RICHARD G. RHYNE, 0000
 DUANE L. RICHARDS, 0000
 JOHN B. RICHARDSON IV, 0000
 WARLINE S. RICHARDSON, 0000
 RALPH J. RIDDLE, 0000
 KENNETH R. RIGGSBEE, 0000
 CHARLES C. RIMEY, 0000
 GLORIA A. RINCON, 0000
 ANDREW S. RING, 0000
 LARRY R. RITTER, 0000
 PATRICK B. ROBERSON, 0000
 ERIC R. ROBERTS, 0000
 BORIS G. ROBINSON, 0000
 LAWRENCE H. ROBINSON, 0000
 HAZEL A. RODGERS, 0000
 ANGIE RODRIGUEZTORRES, 0000
 ELIZABETH B. ROGERS, 0000
 EVERETT B. ROGERS, 0000
 ANDREW M. ROHLING, 0000
 ROBERT W. ROOKER, 0000
 RICHARD G. ROOS, 0000
 GARY A. ROSENBERG, 0000
 MELANIE L. ROWLAND, 0000
 JOSEPH F. ROYBAL, 0000
 DAVID J. RUDE, 0000
 ROBERT P. RUFFOLO, 0000
 WALTER T. RUGEN, 0000
 JAMES A. RUPKALVIS, 0000
 SAMUEL L. RUSSELL, 0000
 ROOSEVELT SAMUEL, SR., 0000
 JEFFREY M. SANBORN, 0000
 FRANK N. SANDERS, 0000
 JOHN A. SANDERS, 0000
 THOMAS L. SANDS, JR., 0000
 GEORGE H. SARABIA, 0000
 ROBERT A. SAYRE, JR., 0000
 SCOTT L. SCALES, 0000
 CHRISTOPHER A. SCHIRNER, 0000
 DANIEL E. SCHNOCK, 0000
 MARK R. SCHOENEMANN, 0000
 CHARLES W. SCHRAEDER, 0000
 CHARLES G. SCHRETTZMAN, 0000
 BRADLEY W. SCHRIEWEL, 0000
 ADAM J. SCHROEDER, 0000
 ERIC E. SCHWEGLER, 0000
 JOHN M. SCOTT, 0000
 TORY L. SCOTT, 0000
 JAMES F. SEARS, 0000
 THOMAS J. SEELIG, 0000
 THOMAS W. SEIFERT, 0000
 MICHAEL J. SELF, 0000
 ROGER E. SEVIGNY, 0000
 MARK C. SHADE, 0000
 JEFFREY SHANAHAN, 0000
 STEVEN W. SHEA, 0000
 EUGENE SHEARER, 0000
 GEORGE A. SHELL, 0000
 MARK L. SHEPARD, 0000
 SETH L. SHERWOOD, 0000
 BURTON K. SHIELDS, 0000
 DUKE C. SHIENLE, 0000
 MICHAEL S. SHROUT, 0000
 JEROME F. SIBAYAN, 0000
 JOHN W. SILKMAN, 0000
 JEFFREY M. SILVASY, 0000
 JOHN P. SILVERSTEIN, 0000
 MARK T. SIMERLY, 0000
 MICHAEL SIMLEY, 0000
 SARA V. SIMMONS, 0000
 THOMAS E. SIROIS, 0000
 WAYNE A. SKILL, 0000
 CLANNIE SMITH, 0000
 CORY R. SMITH, 0000
 DENNIS C. SMITH, 0000
 DERRICK J. SMITH, 0000
 GORDIE A. SMITH, 0000
 JULIUS H. SMITH, 0000
 MARK A. SMITH, 0000
 MELODY D. SMITH, 0000

SPENCER L. SMITH, 0000
 WILLIAM J. SMITH, 0000
 ROY G. SNODGRASS, JR., 0000
 ADAM C. SNOW, 0000
 CRAIG T. SNOW, 0000
 LYNDIA M. SNYDER, 0000
 EUGENE SNYMAN, 0000
 KENT B. SOEBBING, 0000
 GREGG C. SOFTY, 0000
 BENJAMIN O. SOLUM, 0000
 JAMES H. SOOS, 0000
 JAMES E. SORENSEN, JR., 0000
 SCOTT H. SOSSAMAN, 0000
 ALLEN D. SOUKUP, 0000
 DOMINIC J. SPARACIO, 0000
 JACK R. SPARKS, 0000
 SCOTT A. SPARKS, 0000
 CHRISTOPHER S. SPEER, 0000
 JAMES W. SPENCE, JR., 0000
 NANCY SPENCER, 0000
 KELLY C. SPILLANE, 0000
 JAMES T. SPRACKLING, 0000
 RICHARD D. SPRINGETT, 0000
 JOHN P. STACK, JR., 0000
 DEBORAH L. STAHLHUTH, 0000
 JAMES B. STANFORD, 0000
 PHILIP W. STANLEY, 0000
 MURRAY P. STARKEL, 0000
 JOSEPH E. STATON, 0000
 THOMAS H. STAUSS, 0000
 BETH T. STEELE, 0000
 JOHN D. STEELE, 0000
 MICHAEL STEFANCHIK IV, 0000
 PETER A. STEINIG, 0000
 DANIEL S. STEMPNIAK, 0000
 GEOFFREY D. STEVENS, 0000
 ROBERT W. STEVENS, 0000
 JOHN P. STEVES, 0000
 JOHN E. STEWART, 0000
 MARTIN E. STOKES, 0000
 ERIK L. STOR, 0000
 DOUGLAS A. STRAKA, 0000
 FREDERICK C. STROKER, 0000
 CAROL L. STRONG, 0000
 ADAM A. SUCH, 0000
 BRUCE A. SULLIVAN, 0000
 PATRICK T. SULLIVAN, 0000
 FERN O. SUMPTER, 0000
 DONALD P. * SUTTON, 0000
 DANIEL L. SVARANOWIC, 0000
 BRUCE R. SWATEK, 0000
 KETH J. SWLIA, 0000
 JOHN H. TAO, 0000
 RANDY G. TATE, 0000
 HORATIO S. TAYEAU, 0000
 KIRK D. TAYLOR, 0000
 MICHEAL D. TAYLOR, 0000
 THOMAS R. TAYLOR, 0000
 VINCENT X. * TELFARE, 0000
 BRIAN J. TEMPEST, 0000
 KIRA M. TERHUNE, 0000
 RICHARD THEWES, JR. 0000
 MICHAEL G. THILGES, 0000
 MICHAEL R. THOMAS, 0000
 GREG Z. THOMPSON, 0000
 TOMMY G. THOMPSON, 0000
 VINCENT D. THOMPSON, 0000
 WILEY C. THOMPSON, 0000
 MICHELE N. THOMPSONSHOATS, 0000
 DAVID O. TIEDEMAN, 0000
 GLENN A. TOLLE, 0000
 JAMES K. TRAYER, 0000
 CRAIG A. TRISCARI, 0000
 MICHAEL F. TRONOLONE, JR., 0000
 BONITA E. TROTMANARTIS, 0000
 DAVID A. TROUTMAN, 0000
 JAMES H. UTLEY II, 0000
 EDWARD T. UTZ, 0000
 DAVID T. VACCHI, 0000
 LOYAL C. VANDYKE, 0000
 CHRISTOPHER S. * VANEK, 0000
 CHRISTOPHER T. VAUGHN, 0000
 ALFREDO VERSOZA, 0000
 SCOTT A. VEZEAU, 0000
 GREG A. VIBBER, 0000
 KEVIN A. VIZZARRI, 0000
 DONNA L. VOELKEL, 0000
 MATTHEW J. VOITHOFER IV, 0000
 JOHN G. VOORHEES, JR., 0000
 RODNEY K. WAGGONER, 0000
 ANTHONY Q. WALKER, 0000
 DONALD L. WALKER, 0000
 HERMAN H. WALKER, 0000
 ROBERT E. WALKER, 0000
 STEPHEN R. WALKER, 0000
 KENNETH L. WALKINGTON, 0000
 JOSEPH P. WALSH, 0000
 WILLIAM A. WALSKI, 0000
 JAMES J. WALTON, 0000
 GLENN A. WATERS, 0000
 DALE E. WATSON, 0000
 JOHN R. WATSON, 0000
 JONATHAN E. WATSON, 0000
 KENNETH D. * WATSON, 0000
 ROBERT L. WATSON, JR., 0000
 TIMOTHY F. WATSON, 0000
 GREGORY S. WAY, 0000
 DARRELL J. WERTHERFORD, 0000
 ARTHUR G. WEEKS, 0000
 NORMAN G. WEEKS, 0000
 DEAN M. WEILER, 0000
 WILLIAM B. WELSH, 0000
 DARREN L. WERNER, 0000
 KEVIN S. WEST, 0000
 THOMAS G. WHARTON, 0000
 BOOKER T. WHEELER, 0000
 BRADLEY A. WHITE, 0000

JOHN C. WHITE, 0000
 RICHARD E. WHITE, 0000
 WILLIAM F. WHITE, 0000
 DWIGHT D. WHITEHEAD, 0000
 SAMUEL E. WHITEHURST, 0000
 GEORGE W. WHITMIRE, 0000
 ANTHONY K. WHITSON, 0000
 ERIC R. WICK, 0000
 PETER J. WILHELM, 0000
 ARTIE S. WILLIAMS, 0000
 BRIAN W. WILLIAMS, 0000
 DERRIN E. WILLIAMS, 0000
 WILBURN C. WILLIAMS, JR., 0000
 WESLEY A. WINTERS, 0000
 KEVIN J. WITHEE, 0000
 ALAN D. WOODARD, 0000
 JAMES A. WOODS, 0000
 DOUGLAS D. WOOLLEY, 0000
 WILLIAM S. WOZNIAK, 0000
 DARRON L. WRIGHT, 0000
 MICHAEL P. WRIGHT, 0000
 JOHN P. WYMAN, 0000
 PAUL H. YAGER, 0000
 LEAFAINA O. YAHN, 0000
 DENNIS W. YATES, 0000
 HOWARD T. YATES, JR., 0000
 RENE A. YATES, 0000
 KRISTOPHER J. YERGER, 0000
 PAUL L. YINGLING, 0000
 LELAND O. YOUNG, 0000
 STANLEY R. YOUNG IV, 0000
 LOUIS A. ZEISMAN, 0000
 KARL D. ZETMEIR, 0000
 CHRIS E. ZIMMERMAN, 0000
 DANIEL J. ZIMMERMAN, 0000
 X0000
 X0000
 X0000
 X0000
 X0000
 X0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

To be major

RONALD J. WHALEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624, AND 3064:

To be major

VAUGHN C. WILHITE, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CYLE R. RICHARD, 0000
 THOMAS J. STEINBACH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS, AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

MICHAEL I. ALLEN, 0000
 STANLEY D. ARNOLD, 0000
 PAUL A. BLUNDELL, 0000
 EARL T. BOWERS, 0000
 ROBERT J. BROTT, 0000
 JEFFREY A. BURBANK, 0000
 JEFFREY L. CARTEE, 0000
 BRIAN W. CHEPEY, 0000
 HAROLD E. CLINE, 0000
 DALE A. CODE, 0000
 SCOTT C. CROSSFIELD, 0000
 KEVIN M. DOLL, 0000
 LYNDON S. FLUEGEL, 0000
 ROBERT J. GLAZENER, 0000
 DAVID V. GREEN, 0000
 KENNETH L. HAFTHORSON, 0000
 LAWRENCE E. HAMRICK, JR., 0000
 THOMAS S. HELMS III, 0000
 ANTHONY W. HORTON, 0000
 KENNETH J. HURST, 0000
 DENNIS E. HYSOM, 0000
 TERRENCE L. KESLING, 0000
 CHUL W. KIM, 0000
 YOUNG D. KIM, 0000
 MERRELL D. KNIGHT, JR., 0000
 RAJMUND KOPEC, 0000
 YO S. LEE, 0000
 DAVID W. LILE, 0000
 PAUL D. MADEJ, 0000
 KAREN L. MEEKER, 0000
 DANIEL R. MIDDLEBROOKS, 0000
 RAYMOND E. MOORE, JR., 0000
 WILLIAM C. NICHOLAS, JR., 0000
 DANIEL R. PETSCH, 0000
 DARIN M. POWERS, 0000
 DAVID M. RAMSEY, 0000
 MICHAEL L. REEVES, 0000
 GINA D. ROCHELLE, 0000
 RORY A. RODRIQUEZ, 0000
 DAVID SANTIAGOGRUZ, 0000
 STEVEN L. SIMPSON, 0000
 PHILIP T. SMILEY, 0000
 ROBERT A. SMITH, 0000
 JEFFREY L. SPANGLER, 0000

ALLEN W. STALEY, 0000
 MATTHEW S. WYSOCKI, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JACQUELINE B. CHEN, 0000
 RICHARD P. DUNCAN, 0000
 STEPHEN R. INNANEN, 0000
 ROSEMARIE P. KIRZNER, 0000
 JAMES W. NESS, 0000
 GARY W. TRYNISZEWSKI, 0000

To be captain

BRIAN L. ADAMS, 0000
 MATTHEW L. AGIUS, 0000
 NKENGE A. AMENRA, 0000
 STEVEN R. BALLARD, 0000
 JOHN B. BALMAN, 0000
 TIMOTHY S. BATTIG, 0000
 DANIEL A. BELLIN, 0000
 MISTY D. BLOCKER, 0000
 HOOVER J. BULKEN, 0000
 JASON K. BURRIS, 0000
 CECILIA X. CHEN, 0000
 RICHARD CLARK, 0000
 MICHAEL N. CLEMENSHAW, 0000
 KEVIN M. CRON, 0000
 CHAD M. CRYER, 0000
 PATRICK E. DAVIS, 0000
 KENNETH B. DEKAY, 0000
 RICHARD R. DELANEY, 0000
 RAMONA A. DEVENEY, 0000
 THOMAS C. DOWD, 0000
 CHRISTOPHER H. FINCH, 0000
 SUZANNE M. GILLERN, 0000
 JOSE B. GOROSPE, 0000
 THOMAS H. GRANT, 0000
 REY D. GUMBOC, 0000
 KEVIN B. GUTHMILLER, 0000
 AATIF M. HAYAT, 0000
 KENNETH S. HELGREN, 0000
 TIMOTHY J. HEPLER, 0000
 LINDA C. HIRD, 0000
 JENNIFER M. HOFFMAN, 0000
 JOHN K. HOFFMAN, JR., 0000
 JACOB S. HOGUE, 0000
 JAMES T. HSU, 0000
 TIMOTHY V. JARDELEZA, 0000
 JENNIFER S. KICKER, 0000
 TRISTAN L. KNUTSON, 0000
 JOHANNAH B. KONE, 0000
 TINA M. KOPILCHACK, 0000
 CHRISTOPHER M. KREBS, 0000
 CLEMENS S. KRUSE, 0000
 REED B. KUEHN, 0000
 CLAYTON C. LANGDON, 0000
 FELISA S. LEWIS, 0000
 KIRK N. LIESEMER, 0000
 GEORGE F. LIN, 0000
 DEXTER L. LOVETT, 0000
 GERALDINE LUBKEMAN, 0000
 THOMAS R. MAGRA, 0000
 TAMMY J. MANTZOURIS, 0000
 TODD J. MCARTHUR, 0000
 BRUCE C. MCGEE, 0000
 JAY H. MCKENNA, 0000
 MEGAN L. MCNICOL, 0000
 GARRETT J. MEYERS, 0000
 LUKE R. MICHELS, 0000
 DEBORAH L. MOORE, 0000
 MICHAEL R. MOORE, 0000
 GARY L. MURVIN, 0000
 ELISA D. OHERN, 0000
 ANASTASIA M. PIOTROWSKI, 0000
 AUTUMN M. RICHARDS, 0000
 BETH A. SALVER, 0000
 JASON E. SAPP, 0000
 MICHAEL A. SHARMA, 0000
 JUSTIN M. SHIELDS, 0000
 EARL J. SMITH, 0000
 MELBA STETZ, 0000
 LEAH M. STROBEL, 0000
 SHANE M. SUMMERS, 0000
 LELAND D. TAYLOR, 0000
 SARAH K. TAYLOR, 0000
 BRETT J. THEELER, 0000
 SAIOA TORREALDAY, 0000
 ZACHARY S. TURNER, 0000
 JAMES V. TWEDE, 0000
 ERIC G. VERWIEBE, 0000
 PATRICK J. VOORHEES, 0000
 DAVID L. WAITE, 0000
 JUSTIN M. WELLS, 0000
 MICHAEL J. WILHELM, 0000
 KAREN L. WILSON, 0000

To be first lieutenant

TIMOTHY K. BERTUCCO, 0000
 SCOTT T. FESTA, 0000
 LATONYA R. JONES, 0000
 DONALD J. MCNEIL, 0000
 CAMPOS R. I. ORTIZ, 0000
 MOISES SOTO, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JEAN M. BRADY, 0000
 IVETTE JUSTICE, 0000

SUE A. MCCANN, 0000
PATRICK B. POLK, 0000

To be captain

ROY W. ALABRAN, 0000
MARIE L. BANKS, 0000
REBECCA L. BURROWS, 0000
GLEN E. CARLSSON, 0000
MARGARET D. CECIL, 0000
EMETERIO L. CERBAS, 0000
RICHARD CLARK, 0000
ROBERT L. CORSON, 0000
SHIRLEY DANIEL, 0000
THOMAS J. DERION, 0000
NANCY A. EMMA, 0000
LINDA S. GOWENLOCK, 0000
GREGORY L. LARA, 0000
LESTER E. MACK, 0000
RESTITUTO Y. MALLARI, 0000
GENERA D. MILLER, 0000
DEBRA J. MURRAY, 0000
CAPETILLO E. ROSADO, 0000
DEBORAH G. SAVAGE, 0000
TYKE S. STEWART, 0000
RENA F. TRUMBULL, 0000

To be first lieutenant

RICKY A. EVANS, 0000
WINIFRED M. GRADY, 0000
ANITA E. JONES, 0000
NORMAN E. MORRIS, 0000
MESHELLE A. TAYLOR, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

ROMAN B. REYES, 0000

To be captain

ROGER L. BALL, 0000
GEORGE A. BARBEE, 0000
STEVEN L. BRIGGS, 0000
ROBERT F. COLLINS, 0000
EARL K. DOWNS, 0000
JEFFREY P. GODWIN, 0000
ROBERT R. HOWES, 0000
ANTHONY A. JAMES, 0000
JOSEPH T. KLAPPERICH, 0000
SHAN M. KROGER, 0000
MARK E. LESTER, 0000
CHRISTOPHER A. LUSTER, 0000
CYNTHIA MCPHERSON, 0000
BRYAN W. MEECE, 0000
GEORGE S. MIDLA, 0000
JEFFREY C. MOTT, 0000
CHARLES A. NEAL IV, 0000
PATRICK W. ONEIL, 0000
WAYNE F. PILZ, 0000
PAUL G. ROGERS, 0000
BRENT R. THOMPSON, 0000
ARTHUR F. YEAGER, 0000

To be first lieutenant

TERRANCE T. FEE, 0000
JOHN P. FRASURE, 0000
CHRISTOPHER VAN WINKLE, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

ANTHONY T. FEBBO, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be captain

JACK F. DALRYMPLE, JR., 0000
MARK E. DONAHUE, 0000
ELLEN M. JEWETT, 0000
JEFFREY M. NEVELS, 0000

To be commander

JAMES P. FLINT, 0000
DANIEL A. FREILICH, 0000
JACK E. HANZLIK, JR., 0000
KURT P. HARDY, 0000
LOUIS V. LAVOPA, 0000
MATTHEW J. E. LAWLESS, 0000
ANDREA L. SHORTER-EVANS, 0000
JEFFREY W. TIMBY, 0000

To be lieutenant commander

STEPHEN G. ALFANO, 0000
JEFFREY M. ALVES, 0000
JOEL M. APDES, 0000
ANTHONY A. ARITA, 0000
ADAM W. ARMSTRONG, 0000
ROBERT C. BARBEE, 0000
JAMES S. BRUSKE, 0000
JANIS R. CARLTON, 0000
WALTER S. CARR, 0000
PETER R. CATALANO, JR., 0000
KEVIN E. CHESHURE, 0000
DENNIS J. FAIX, 0000
JULIE A. GINOZA, 0000

CARY E. HARRISON, 0000
RUSSELL B. HAYS, JR., 0000
CHRISTOPHER M. JACK, 0000
PATRICK R. LARABY, 0000
MICHAEL D. LEBU, 0000
CHAD A. LEE, 0000
GABRIEL LEE, 0000
JAMIE M. LINDLY, 0000
ROBERT J. LIPSITZ, 0000
CHRISTOPHER G. LYNCH, 0000
NATHANIEL R. MARLER, 0000
RYAN P. MATHERNE, 0000
FRITZI J. MCDONALD, 0000
LISA M. MCGOWAN, 0000
KEVIN M. OCONNOR, 0000
ANTHONY J. OPILKA, 0000
PAUL ORTA, 0000
CAMERON P. RATKOVIC, 0000
PAUL L. REED, 0000
GEORGE M. RICE, 0000
RICHARD SAM, 0000
ERIK J. SCHWEITZER, 0000
INGRID V. SHELDON, 0000
DANIEL J. SMELIK, 0000
SCOTT W. STUART, 0000
RAMBERTO A. TORRUELLA, 0000
THOMAS C. WALTER, 0000
FRED R. WILHELM III, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

OHENE O. GYAPONG, 0000
LESLIE C. L. HULLRYDE, 0000
HERBERT L. JOSEY, 0000
GARRETT D. KASPER, 0000
WILLIAM J. MARKS, 0000
PAULINE F. PIMENTEL, 0000
TAMSEN A. REESE, 0000
GARY L. ROSS, 0000
KATHLEEN M. SANDOZ, 0000
KEVIN R. STEPHENS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BRUCE W. BEAM, 0000
JEFFREY S. DIXON, 0000
LORA A. EGLEY, 0000
SHAWN G. GALLAHER, 0000
CARL S. JAMES, 0000
THOMAS B. KEEFER, JR., 0000
ERICA A. KRAFT, 0000
DEBORAH L. MABEY, 0000
DOUGLAS L. ROUSH, 0000
ADRIA R. SCHNECK-SCOTT, 0000
ANDREW J. SEXTON, 0000
KEIR D. STAHLHUT, 0000
KELLY E. TAYLOR, 0000
ALLON G. TUREK, 0000
CHARLOTTE A. WELSCH, 0000
SEAN P. YEMM, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

SHEILA T. ASBURY, 0000
DARIAN CALDWELL, 0000
JOHN J. CALVERT, JR., 0000
ANDREA H. CAMERON, 0000
GALO E. CHAVES, 0000
GROVER N. CRAFT, JR., 0000
JOSE G. HERNANDEZ, 0000
NATHAN J. KING, 0000
LEE A. LEVELLS, 0000
JAMES F. LEVINNESS, JR., 0000
DAISY M. LUTTRELL, 0000
STEVEN M. MILINKOVICH, 0000
ELENA G. PECENCO, 0000
FRED L. STEWART, 0000
CHRISTIAN A. STOVER, 0000
IVAN TERRY, 0000
JAMES V. WALSH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KHARY A. BATES, 0000
JAMES M. BELMONT, 0000
FRANKLIN W. BENNETT, 0000
GRADY G. DUFFEY, JR., 0000
MITCHELL E. FILDES, 0000
RAMIRO E. FLORES, 0000
ARSENIO S. FRANCISCO, 0000
JAMES R. GALYEAN IV, 0000
ALBERTO A. GARCIA, 0000
GRANT GORTON, 0000
ELIZABETH M. HAMILTON, 0000
RICO R. HARRIS, 0000
WESLEY E. HENRIE, 0000
CARL C. HINK, 0000
WILLIAM J. HOLLIS, 0000
ROLANDO R. IBANEZ, 0000
BRETT D. INGLE, 0000
ANNETTE KELLY, 0000
STEVEN W. LEEHE, 0000
JOSE F. MONTES, 0000
ROBERT W. POSEY II, 0000
MICHELLE G. ROSEANO, 0000

BOBBY B. SAVANH, 0000
RODNEY L. SIMON, 0000
DAVID A. VONDRACK, 0000
JASON M. WALDRON, 0000
MATTHEW T. WILCOX, 0000
SEAN A. WILSON, 0000
AARON J. ZIELINSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

THANONGDETH T. CHINYAVONG, 0000
WILLIAM W. COOK, 0000
JOHN D. CZOHARA, 0000
TUAN Q. DANG, 0000
ANDREW R. DITTMER, 0000
PETER C. HAKEWESSELL, 0000
JASON S. JONES, 0000
KAMBRA R. JUVE, 0000
JONATHAN C. KALTWASSER, 0000
KRISTIAN P. KEARTON, 0000
JOHN E. LARSON, JR., 0000
JAMES A. LECOUNTTE, 0000
JEFFREY L. LLOYDJONES, 0000
JOHN S. MARINOVICH, 0000
LISA M. MCLAUGHLIN, 0000
KENT A. MEYER, 0000
LLOYD M. MORNEAULT, 0000
STELLA B. NEALY, 0000
JASON A. PARISH, 0000
CALEB POWELL, JR., 0000
KURT L. ROHLMEIER, 0000
ANDRE N. ROWE, 0000
MARTIN J. SABEL, 0000
MICHAEL H. SANDERS, 0000
WILLIAM H. TROUTMAN, 0000
DAVID A. VALENTINE, 0000
DIEGO VELASCO, JR., 0000
JONATHAN J. VOJE, 0000
JAMES J. WATSON, 0000
WILLIAM E. WREN, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RICHARD S. ARDOLINO, 0000
JON D. BRISAR, 0000
GINALYN N. BROCK, 0000
WILLIE D. BROWN, 0000
CHRISTOPHER D. CHUHRAN, 0000
PAUL D. CLIFFORD, 0000
KEITH P. DOUGLAS, JR., 0000
FRANK L. DUGIE, 0000
ROBERT C. ECHOLS, 0000
KEITH A. FELKER, 0000
CONSTANCE R. S. FERNANDEZ, 0000
JASON S. HALL, 0000
MANUEL A. HERNANDEZ, 0000
ANDREW R. HUNT, 0000
TODD D. JACK, 0000
JAY D. JAMISON, 0000
EUGENE T. KRAMER, 0000
CARA G. LAPOINTE, 0000
THOMAS J. MACK, 0000
CEDRIC J. MCNEAL, 0000
RAMIRO E. ORELLANO, 0000
STEVEN G. PLONKA, 0000
IRVING B. POLLARD, 0000
DAVID L. RAMTHUN, 0000
DEREK E. REEVES, 0000
LINDA K. REYNOLDS, 0000
SCOTT D. ROBERTS, 0000
CHARLES A. SCHLISE, 0000
AARON M. STETTLER, 0000
JASON STRACQUALURSI, 0000
SCOTT P. TOMPKINS, 0000
JOSEPH B. TORREZ, 0000
ELIZABETH J. TOUSE, 0000
MICHAEL P. TOUSE, 0000
NICOLE M. TREEMAN, 0000
MARTIN C. WALLACE, 0000
ERIC L. WILLIAMS, 0000
TIMOTHY L. ZANE, 0000
BENJAMIN D. ZITTERE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAMIE W. ACHEE, 0000
JOSEPH W. BABE, 0000
JULIO BESS, 0000
BENJAMIN G. BLAZZADO, 0000
ROBERT W. BOSHONEK, 0000
DANIEL M. BROOKES, 0000
BRY CARTER, 0000
ANN E. CASEY, 0000
LEONARD W. CAVER, 0000
EDMUND J. CHAFFEE III, 0000
COLIN W. CHINN, 0000
HAROLD T. COLE, 0000
SHAWN T. COLLIER, 0000
THOMAS COONEY, 0000
NICHOLAS C. CROMVELL, JR., 0000
ROBERT S. DAMSKY, 0000
MINJI DANIELS, 0000
DAVID W. FLANOWICZ, 0000
REGINALD F. HALL, 0000
REGINALD H. HARRISON, 0000
DAVID B. HAUSWIRTH, 0000
BRIAN C. HOERST, 0000
MARIANGEL IBARRA, 0000

BARRY L. JAMES, JR., 0000
 THEODORE R. JOHNSON, 0000
 MARC W. RATKUS, 0000
 KEVIN S. ROBERTS, 0000
 FREDERICK M. SANT, 0000
 OWEN M. SCHOOLSKY, 0000
 JOSEPH D. SEARS, 0000
 DOUGLAS K. SHAMLIN, 0000
 MATTHEW N. SMITH, 0000
 SHERRILL D. STAMEY, 0000
 ROBERT J. SUH, 0000
 PAUL B. TRIPP, 0000
 STEPHEN M. UGOLINI, 0000
 CHRISTOPHER A. WEECH, 0000
 DOUGLAS A. WHEATON, 0000
 NORMAN B. WOODCOCK, 0000
 HOLLY A. YUDISKY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BRIAN M. AKER, 0000
 LEAH AMERLING, 0000
 CHRISTOPHER R. ANDERSON, 0000
 DEETTA L. BARNES, 0000
 ENRIQUE C. BERNAL, JR., 0000
 MICHAEL S. BERRY, 0000
 JAMES L. BOND, 0000
 KENNETH W. BURKE, JR., 0000
 MICHAEL B. CAIMONA, 0000
 JAMIE A. CALABRESE, 0000
 ANDREW J. CAMPBELL, 0000
 WILLIAM J. CHARAMUT II, 0000
 RONALD M. COUTURE, 0000
 KEVIN A. COX, 0000
 JAY P. DEWAN, 0000
 CURTIS D. DEWITT, 0000
 STEVEN P. DUFFY, 0000
 JOHN E. EAVES, JR., 0000
 JASON K. EDGINGTON, 0000
 JOSEF A. ELCHANAN, 0000
 JASON C. ENGLISH, 0000
 PATRICK J. FORD, 0000
 EDWARD C. FOXWORTH, JR., 0000
 ALEXANDER GONZALEZ, 0000
 CARRIE L. GRAY, 0000
 LARRY B. GROSSMAN, 0000
 CHRISTOPHER W. HALL, 0000
 SUSAN HLAD, 0000
 MICHAEL E. HOBAUGH, 0000
 ALAIN M. ILIRIA, 0000
 JEFFERY M. KARGOL, 0000
 PETER M. KOPROWSKI, 0000
 TIMOTHY A. KUNKEL, 0000
 PETER T. LAIRD, 0000
 RENE LAVERDE, 0000
 CHARLES D. LAZAR, JR., 0000
 KIRK A. LEE, 0000
 CHRISTOPHER J. LIEDQUIST, 0000
 VICTOR B. MINELLA, 0000
 MCADAM K. H. MOGHADDAM, 0000
 JOHN S. MORELL, JR., 0000
 SCOTT A. MOSEMAN, 0000
 THOMAS A. MOSKO, 0000
 STEPHEN E. MOTTER, 0000
 SHAWN P. MOYER, 0000
 THOMAS A. MURPHY, JR., 0000
 MICHAEL L. NASON, 0000
 DAVID K. NG, 0000
 THOMAS A. PETERSEN, 0000
 RONALD J. PIEPER, JR., 0000
 ALLISON E. RITSCHER, 0000
 CRAIG J. SCHLOTTKE, 0000
 KRISTOFER J. SCOTT, 0000
 RALPH B. SHIELD, 0000
 DAVID K. SIDEWAND, 0000
 JAMES R. SISCO, JR., 0000
 JOSEPH M. SPAHN, 0000
 PATRICK J. VEGELER, 0000
 GEORGE A. WESTLAKE, 0000
 DANNY A. WILLIAMS, 0000
 ANDRE R. WILSON, 0000
 JOSHUA B. WILSON, 0000
 PAUL H. WILT, 0000
 GARY WINTON, 0000
 DAVID P. WOLYNSKI, 0000
 RONALD E. YUN, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DAVID L. AAMODT, 0000
 DAVID A. ABERNATHY, 0000
 DEREK S. ADAMETZ, 0000
 COY M. ADAMS, JR., 0000
 JAMES P. ADAMS, 0000
 JOHN E. AGER, 0000
 ALBERT A. ALARCON, 0000
 HILARY A. ALBERS, 0000
 ERIC J. ALDERMAN, 0000
 GREGORY C. ALLGAIER, 0000
 CHARLES E. ALLISON, 0000
 STEPHEN W. ALLUM, 0000
 ROBERT W. ALPIGINI, JR., 0000
 LUIS ALVA, 0000
 JOSEPH A. AMARAL, 0000
 ALEXANDER D. ANDERSON, 0000
 KENNETH D. ANDERSON, 0000
 JEREMY T. ANDREW, 0000
 MATTHEW J. ANDREWS, 0000
 WAYNE W. ANDREWS III, 0000
 STEVEN W. ANTCLIFF, 0000
 LONNIE L. APPEGET, 0000

RICHARD M. ARCHER, 0000
 SCOTT E. ARMSTRONG, 0000
 PETER A. ARROBIO, 0000
 DANIEL P. ARTHUR, 0000
 AARON C. ASH, 0000
 ROBERT S. ASHBURN, 0000
 AARON R. AUSTIN, 0000
 GEORGE J. AUSTIN, 0000
 GREGORY L. BADGER, 0000
 KENNETH N. BAGUSO, 0000
 PHILIP M. BAHEN, 0000
 JAMES D. BAHR, 0000
 JASON W. BAILEY, 0000
 DAVID S. BAIRD, 0000
 LINDSEY J. BAKER III, 0000
 PATRICK R. BALDAUFF, 0000
 SAMANTHA D. BALDWIN, 0000
 NATHAN A. BALLOU, 0000
 DANIEL J. BALSINGER, 0000
 PAUL V. BANDINI, 0000
 CRAIG D. BANGOR, 0000
 CHRISTOPHER M. BANKS, 0000
 MATTHEW A. BARKER, 0000
 MATTHEW R. BARR, 0000
 LUKE A. BARRADELL, 0000
 OSCAR A. BARROW, 0000
 TOBIN P. BASFORD, 0000
 MAXWELL C. BASSETT, 0000
 LORY N. BATTAGLIA, 0000
 GARTH A. BAULCH, 0000
 JOSEPH W. BAYER, 0000
 JEFFREY T. BEARDEN, 0000
 MICHAEL P. BECKER, 0000
 MICHAEL C. BECKETTE, 0000
 ROBERT E. BELK, 0000
 KENNETH R. BELKOFER, JR., 0000
 BRIAN H. BENNETT, 0000
 RICHARD C. BENTS, 0000
 RYAN J. BERNACCHI, 0000
 ROBERT A. BERNER, 0000
 JEFFREY R. BESSLER, 0000
 KEITH R. BIANDO, 0000
 ANTHONY J. BILOTTI, 0000
 JOHN F. BISCHOF, 0000
 MARTY R. BISCHOFF, 0000
 CARL M. BLAHNIK, 0000
 JOHN E. BLANKENSHIP, 0000
 ROBERT D. BLONDIN, 0000
 KURT P. BOENISCH, 0000
 CHRISTOPHER G. BOHNER, 0000
 SHAWN A. BOHRER, 0000
 MATTHEW R. BOLAND, 0000
 TODD M. BOLAND, 0000
 CHAD A. BOLLMANN, 0000
 DEWUAN L. BOOKER, 0000
 JAMES E. BOOMER, 0000
 GEORGE C. BOROVINA, 0000
 DONALD W. BOWKER, 0000
 PATRICK W. BOYCE, 0000
 ANNA E. BOYD, 0000
 JOHN J. BRABAZON, 0000
 JONATHAN J. BRADFORD, 0000
 MATTHEW BRADSHAW, 0000
 MICHAEL J. BRAND, 0000
 MICHAEL D. BRASSEUR, 0000
 ROBERT S. BRIDGES, JR., 0000
 CHRIS T. BRINKAC, 0000
 NEAL BRINN, 0000
 DAVID S. BRINSON, 0000
 CASEY C. BRONAUGH, 0000
 MICHAEL J. BRONS, 0000
 JAMIE M. BROOKS, 0000
 ROBERT J. BROOKS, 0000
 STEPHEN G. BROOKS, 0000
 GREGORY K. BROTHERTON, 0000
 LESTER A. BROWN, JR., 0000
 RAY B. BROWN, 0000
 RYAN D. BROWN, 0000
 TODD M. BRUEMER, 0000
 CORY S. BRUMMETT, 0000
 EDWIN F. BRUSH III, 0000
 ROBERT T. BRYANS, 0000
 CHRISTOPHER G. BRYANT, 0000
 RYAN J. BRYLA, 0000
 CHRISTOPHER M. BUGG, 0000
 MICHAEL A. BURCHIK, JR., 0000
 RICHARD G. BURGESS, 0000
 IAN P. BURGOON, 0000
 RODMAN D. BURLEY III, 0000
 SEAN M. BURROW, 0000
 JAMIE F. BURTS, 0000
 JOHN P. BUSER, 0000
 WILLIAM C. BUSHMAN, JR., 0000
 CHARLES J. BUSTAMANTE II, 0000
 STEPHANIE J. BUTLER, 0000
 JOSEPH C. BUTNER IV, 0000
 JONATHAN M. BUTZKE, 0000
 ERIC M. BUUS, 0000
 DAVID W. BYRD, 0000
 JOHNNIE L. CALDWELL, 0000
 SHARIF H. CALFEE, 0000
 MARK J. CALLARI, 0000
 JASON G. CANFIELD, 0000
 HUNG CAO, 0000
 ADAM T. CARLSTROM, 0000
 BRYAN K. CARMICHAEL, 0000
 RICHARD W. CARNICKY, 0000
 CHARMARINE A. CARR, 0000
 JEFFREY A. CARROLL, 0000
 JEFFREY L. CAYE, 0000
 RYAN C. CECH, 0000
 JILL R. CESARI, 0000
 WILL J. CHAMBERS, 0000
 EDWARD M. CHANDLER, 0000
 JOHN C. CHAUVIN, 0000
 MICHAEL A. CHENOWETH, 0000
 BRIAN J. CHEYKA, 0000

JEFFREY CHIANG, 0000
 CLARK C. CHILDERS, 0000
 JAMES C. CHITKO, 0000
 MARC R. CHRISTINO, 0000
 MICHAEL J. CLARK II, 0000
 PATRICK B. CLARK, 0000
 GABRIEL T. CLEMENS, 0000
 PHILIP R. CLEMENT, 0000
 DWIGHT L. CLEMONS II, 0000
 CLINTON R. CODY, 0000
 JOSEPH M. COLE, 0000
 MATTHEW T. COLLINS, 0000
 JAMES J. CONATSER, 0000
 THOMAS G. CONROE, 0000
 WILLIAM T. COOK, 0000
 JOSEPH S. COOPER, 0000
 TODD P. COPELAND, 0000
 JEFFREY E. COTE, 0000
 RICHARD G. COUTURE, JR., 0000
 JOHN D. CRADDOCK, 0000
 CLARKE F. CRAINE, 0000
 J. S. CRAMER, 0000
 GREGORY A. CRAWFORD, 0000
 PAUL D. CRAWFORD, 0000
 KENNETH T. CREAMEANS, 0000
 MATTHEW M. CRISTO, 0000
 JOHN L. CROGHAN, 0000
 EDWARD M. CROSSMAN, 0000
 MARK E. CROWE, 0000
 PHILLIP D. CRUZ, 0000
 MICHAEL P. CUMMINS, 0000
 ROSS H. CUNNINGHAM, 0000
 MATTHEW W. CUTTER, 0000
 JEFFREY CYR, 0000
 CRAIG L. DALLE, 0000
 ROBERT V. DANIELS, 0000
 WESLEY S. DAUGHERTY, 0000
 WAYNE E. DAVEY, 0000
 PORNCHEI DAVIDSON, 0000
 WILLIAM M. DAVIS, 0000
 COLIN P. DAY, 0000
 MICHELE M. DAY, 0000
 MARK R. DEBUSE, 0000
 SAMUEL F. DECASTRO, 0000
 BOYD C. DECKER, 0000
 GEORGE K. DEMETRIADES, 0000
 DUSTIN A. DEMOREST, 0000
 JOHN W. DEPREE, 0000
 JEFFREY A. DERMODY, 0000
 PAUL C. DESAULNIERS, 0000
 LANCE E. DETTMANN, 0000
 GREGG C. DEWAELE, 0000
 GREGORY P. DEWINDT, 0000
 THEODORE T. DIAMOND, 0000
 GRAHAME A. DICKS, 0000
 CYNTHIA A. DIETERLY, 0000
 JOHN A. DIGIOVACCHINO, 0000
 AARON W. DIMMOCK, 0000
 RICHARD L. DIVINEY, 0000
 JAMES E. DOLING, 0000
 THOMAS A. DONOVAN, 0000
 BRIAN P. DOWNEY, 0000
 BRETT W. DRESDEN, 0000
 JEANPAUL E. DUBE, 0000
 CHRISTOPHER S. DUDLEY, 0000
 MATTHEW J. DUFFY, 0000
 DEAN F. DUNLOP, 0000
 RYAN K. DUNN, 0000
 STEVEN G. DUTTER, 0000
 ANTHONY S. DUTTERA, 0000
 DARNELL S. EDWARDS, 0000
 PETER J. EHLERS, 0000
 MARK R. EHMANN, 0000
 DAVID W. EISEN, 0000
 RYAN K. EISENHARDT, 0000
 TERESA A. E. ELDERS, 0000
 SHANE ELLER, 0000
 JOEL A. ELLINGSON, 0000
 DAVID W. ERIKSEN, 0000
 KIMBERLY D. ERNST, 0000
 THOMAS A. ESPARZA, 0000
 JESSE G. ESPE, 0000
 JOSEPH D. ESPIRITU, 0000
 ERIK C. ESTENSON, 0000
 JAMES S. EVANS, 0000
 MICHAEL A. EVANS, 0000
 RICHARD A. EVANS, 0000
 RUSSELL R. EVANS, 0000
 WILLIAM F. EVANS, 0000
 ROBERT J. EVERLING, 0000
 HOWARD B. FABACHER II, 0000
 BILLY K. FAGAN, 0000
 LEMUEL D. FAGAN, 0000
 TIMOTHY E. FAHEY, 0000
 CHAD M. FALGOUT, 0000
 WILLIAM L. FALLIN, 0000
 JEFFREY S. FARLIN, 0000
 MICHAEL FARNSWORTH, 0000
 MATTHEW W. FARR, 0000
 DAVID K. FAUGHT, 0000
 JOHN J. FAY, 0000
 JOSHUA D. FELDMAN, 0000
 CHARLES R. FERGUSON, 0000
 JOHN E. FERRI, 0000
 CHRIS J. FINOCCHIO, 0000
 GREGORY P. FITZGERALD, 0000
 ANDREW P. FITZPATRICK, 0000
 BRIAN S. FITZPATRICK, 0000
 DOUGLAS J. FLANNERY, 0000
 JEFFREY J. FLOREL, 0000
 JESSE J. FLORES, 0000
 JEREMY A. FOGT, 0000
 TIMOTHY J. FONTANA, 0000
 MATTHEW W. FOSTER, 0000
 MICHAEL P. FOSTER, 0000
 PATRICK M. FOSTER, 0000
 KENNETH R. FRANKLIN, 0000

BRIAN G. FRECK, 0000
 LUCAS L. FREEMAN, 0000
 TODD M. FRIEDMAN, 0000
 PAUL J. FRONTERA, 0000
 MARC C. FRYMAN, 0000
 MARTIN B. FUERST, 0000
 DANIEL B. FUGAZZI, 0000
 STEPHEN C. FULLER, 0000
 PATRICK M. FUNK, 0000
 ROBERT M. GALLAGHER, JR., 0000
 KEITH A. GALLOWAY, 0000
 WILMER B. GANGE, 0000
 JASON D. GARDNER, 0000
 SCOTT R. GARDNER, 0000
 JASON M. GARRETT, 0000
 KRISTOFER R. GASKO, 0000
 DAVID E. GAUGLER, 0000
 KURT M. GEISEN, 0000
 RICHARD T. GENGLER, 0000
 CHAD E. GEORGE, 0000
 RUSSELL M. GERALDI, 0000
 PATRICK M. GESCHKE, 0000
 MATTHEW J. GEVO, 0000
 MATTHEW G. GILLE, 0000
 MICHAEL J. GILLIO, 0000
 RUSSELL W. GIRTY, 0000
 JOHN GIUSEPPE, 0000
 DAVID M. GLASSMAN, 0000
 ALFRED J. GLORIA, 0000
 BENNETT B. GOFF, 0000
 DANIEL J. GOMEZ, 0000
 JAMES M. GONZALEZ, 0000
 NICHOLAS D. GOOD, 0000
 GREGORY E. GOODMAN, 0000
 JASON T. GOOGE, 0000
 TADD H. GORMAN, 0000
 BRETT M. GRABBE, 0000
 DOUGLAS GRABER, 0000
 THOMAS J. GRADY, 0000
 LINDSEY L. GRAVES, 0000
 DAVID L. GRAY, 0000
 JEREMY GRAY, 0000
 ANTHONY S. GRAYSON, 0000
 WILLARD T. GREEN, 0000
 PETER L. GREENE, 0000
 CURTIS J. GREGORY, 0000
 ALEX R. GREIG, 0000
 WILLIAM R. GREINER, 0000
 CHRISTIAN W. GROENEVELD, 0000
 JULIE A. GRUNWELL, 0000
 KURT P. GUIDRY, 0000
 MICHAEL A. GUSSENHOVEN, 0000
 JACOB R. GUTIERREZ, 0000
 BLAIR H. GUY II, 0000
 JEFFREY L. HAS, 0000
 BRIAN D. HAHN, 0000
 JASON W. HAINES, 0000
 ROBERT L. HALFHILL, 0000
 LAWRENCE E. HALL, 0000
 THOMAS J. HALL, JR., 0000
 MARK A. HAMMOND, 0000
 ARLEN J. HANLE II, 0000
 JARED M. HANNUM, 0000
 PATRICK D. HANSEN, 0000
 CHRISTOPHER W. HANSHAW, 0000
 RONALD R. HARDING, JR., 0000
 JAMES W. HARNEY, 0000
 MATTHEW M. HARPER, 0000
 MICHAEL C. HARPER, 0000
 ANTHONY F. HARRELL, 0000
 JEFFREY D. HART, 0000
 SCOTT B. HATTAWAY, 0000
 KEVIN G. HAUG, 0000
 BRADLEY S. HAWKSWORTH, 0000
 AARON M. HAY, 0000
 ANDREW P. HAYES, 0000
 MARK C. HAZENBERG, 0000
 JEFFREY L. HEAMES, 0000
 THOMAS B. HECK, 0000
 DAVID D. HEIN, 0000
 KEVIN L. HEISS, 0000
 KHARY W. HEMBREE, 0000
 MARK R. HENDRICKSON, 0000
 ROSEMARY HENSON, 0000
 JAIME A. HERNANDEZ, 0000
 NEIL A. HERNANDEZ, 0000
 MICHAEL D. HIGGINS, 0000
 CHRISTOPHER F. HILL, 0000
 JESSE W. HILLIKER, 0000
 STEVEN E. HNATT, 0000
 CHRISTOPHER S. HOAGLAND, 0000
 BRIAN R. HODGES, 0000
 AARON C. HOFF, 0000
 ERICA L. HOFFMANN, 0000
 DANIEL J. HOGAN, 0000
 KELLY J. HOLMES, 0000
 ROBERT L. HOLMES, 0000
 JONATHAN S. HOLMGREN, SR., 0000
 JOHN S. HOLZBAUR, JR., 0000
 JOHN O. HONEMANN, 0000
 GERALD A. HOFEN, 0000
 JOHN W. HOUSE, 0000
 MALCOLM F. HOUSE, 0000
 CHRISTOPHER J. HOVER, 0000
 ADAM R. HUDSON III, 0000
 FRASER P. HUDSON, 0000
 DOUGLAS W. HUGGAN, 0000
 LIAM M. HULIN, 0000
 ROBERT M. HUNTINGTON, 0000
 CHRISTOPHER N. HURST, 0000
 ERIC P. ILLSTON, 0000
 STEPHEN J. ILTERIS, 0000
 JOHN J. ISAACSON, 0000
 CHARLES B. JACKEL, 0000
 JOSHUA S. JACOBSON, 0000
 MICHAEL R. JARRETT, JR., 0000
 MATTHEW P. JEFFERY, 0000

ALLEN P. JOHNSON, 0000
 MICHAEL D. JOHNSON, 0000
 NORMAN T. JOHNSON, 0000
 STEPHEN O. JOHNSON, 0000
 STEVEN A. JOHNSON, 0000
 THADDEUS M. JOHNSON, 0000
 IAN F. JOHNSTON, 0000
 JAMES P. JOHNSTON, 0000
 ANTHONY M. JONES, 0000
 JENNIFER B. JONES, 0000
 TYLER P. JONES, 0000
 JAMES J. JUSTER, 0000
 PRZEMYSLAW J. KACZYNSKI, 0000
 LUCAS P. KADAR, 0000
 ERIC E. KAROLI, 0000
 MICHAEL K. KASLIK, 0000
 DEBRA A. KAUFFMAN, 0000
 JAMES F. KEATING, 0000
 JAMES T. KEENE, 0000
 ERIC S. KEISER, 0000
 MARK R. KELLER, 0000
 SCOTT D. KELLER, 0000
 AARON R. KELLEY, 0000
 ERIC S. KELLUM, 0000
 JAMES R. KELLY, 0000
 JOHN F. KELLY III, 0000
 JOSEPH KEMP, 0000
 DANIEL J. KEMPER, 0000
 DOUGLAS E. KENNEDY, 0000
 JAMES M. KENNEDY, 0000
 JAMES P. KENNEDY IV, 0000
 JAMES R. KENNY, 0000
 BARRY F. KERTANIS, 0000
 PAUL A. KESLER, 0000
 HENRY S. KIM, 0000
 JOHN J. KIM, 0000
 PETER S. KIM, 0000
 DERRICK W. KINGSLEY, 0000
 TIMOTHY F. KINSELLA, JR., 0000
 CHRISTOPHER E. KIRBY, 0000
 RYAN P. KLAHSEN, 0000
 DALE D. KLEIN, 0000
 BRIAN C. KNOLL, 0000
 JOSEPH A. KNOOP, 0000
 MILTON L. KNUDSEN, JR., 0000
 MATTHEW S. KOERBER, 0000
 HOWARD C. KOLB, 0000
 DARAVANH V. KOLLASCH, 0000
 THOMAS G. KORSMO, 0000
 RICHARD K. KOSLER, 0000
 JAMES P. KOTLYN, 0000
 GADALA E. KRATZER, 0000
 SVEN KRAUSS, 0000
 TIMOTHY P. KRAY, 0000
 LUKE R. KREMER, 0000
 JOSEPH P. KRIEGER, 0000
 NATHAN C. KRING, 0000
 NICHOLAS A. KRISTOF, 0000
 DAVID A. KUMMINGS, 0000
 JOHN W. KURTZ, 0000
 RODERICK O. KURTZ, 0000
 MATTHEW J. LABERTZ, 0000
 DAVID J. LAKAMP, 0000
 DAVID P. LAMMERS, 0000
 JEFFREY E. LAMPHEAR, 0000
 ROBERT W. LANDIS, 0000
 MICHAEL C. LANGBEHN, 0000
 JASON A. LANGHAM, 0000
 CHANDEN S. LANGHOFER, 0000
 PAUL A. LANGLOIS, 0000
 JESSE A. LANKFORD, 0000
 KEITH A. LANZ, 0000
 WILLIAM J. LARGE, 0000
 BRETT A. LASSEN, 0000
 GEORGE J. LATOUR III, 0000
 GARY LAZZARO, 0000
 RICHARD LEBRON, 0000
 HAROLD D. LEDBETTER, 0000
 PETER R. LEO, 0000
 DARRIEL S. LEWIS, 0000
 GREGORY D. LEWIS, 0000
 FREDERICK R. LICKFOLD, 0000
 BENJAMIN H. LIEN, 0000
 ANDREW G. LIGGETT, 0000
 GLENN A. LININGER, 0000
 ANTHONY C. LITTMANN, 0000
 JOHN A. LO, 0000
 BRIAN D. LONG, 0000
 DAVID LOO, 0000
 SEAN P. LOOFBOURROW, 0000
 ANDREW P. LOTH, 0000
 RONALD B. LOTT, JR., 0000
 RAYMOND P. LOWMAN III, 0000
 RODERICK L. LUCAS, 0000
 MARK R. LUKKEN, 0000
 JOHN M. LYDON, 0000
 JAMES B. LYNCH, 0000
 MELONY A. LYNCH, 0000
 JOHN M. MAFFI, 0000
 MICHAEL J. MAJEWSKI, 0000
 JONI M. MAKAR, 0000
 MICHAEL D. MANNINGHAM, 0000
 WILLIAM T. MANSKE, 0000
 DAVID R. MARKLE, 0000
 SAMUEL I. MARSHALL, 0000
 MICHAEL C. MARTIN, 0000
 CHRISTOPHER E. MARTINEZ, 0000
 JOE V. MARTINEZ, 0000
 ERIC L. MASON, 0000
 JAMES D. MASON, JR., 0000
 BRIAN M. MASTERSON, 0000
 MATTHEW A. MATO, 0000
 EDWARD C. MAULBECK, 0000
 NICOLE L. MAVERSHUE, 0000
 THOMAS A. MAVS, 0000
 RAY A. MCBRIDE II, 0000
 J. D. MCBRYDE, 0000

MOLLY MCCABE, 0000
 DAVID W. MCCALL, 0000
 CHRISTOPHER M. MCCALLUM, 0000
 ANTOINETTE M. MCCANN, 0000
 RICHARD T. MCCARTY, 0000
 WILLIAM R. MCCOMBS, 0000
 LOUIS M. MCCRAY, 0000
 KARRICK S. MCDERMOTT, 0000
 TIMOTHY S. MCDONALD, 0000
 JAMES R. MCIVER, 0000
 DANIEL C. MCKAUGHAN, 0000
 JUDSON E. MCLEVEY, 0000
 DAVID P. MCMILLAN, 0000
 DANIEL S. MCSEVENEY, 0000
 BRYANT A. MEDEIROS, 0000
 CARLOS A. MEDINA, 0000
 ERIC T. MEIER, 0000
 JEFFREY A. MELODY, 0000
 THOMAS S. MENTZER, 0000
 PEDRO R. MERCADO, JR., 0000
 SAMUEL J. MESSER, 0000
 MICHAEL P. MEYDENBAUER, 0000
 MARK C. MHLEY, 0000
 ANDREW K. MICKLEY, 0000
 MARK A. MIDDLETON, 0000
 JAY A. MIHAL, 0000
 RICHARD S. MILLIOT, 0000
 JENNIFER R. MILLS, 0000
 MARC MILOT, 0000
 CHAD J. MIRT, 0000
 JEFFREY L. MISHAK, 0000
 KELLY R. MITCHELL, 0000
 KIMBERLY M. MITCHELL, 0000
 JOHN C. MOE, 0000
 STEPHEN E. MONGOLD, 0000
 CARLOS A. MONREAL II, 0000
 DYLAN MONTES, 0000
 MICHAEL D. MOORE, 0000
 REINALDO J. MORILLO, 0000
 GREGORY L. MORRIS, 0000
 FREDRIC A. MORRISON, 0000
 JASON S. MORTON, 0000
 JERRY E. MORTUSI, 0000
 MICHAEL C. MOSBRUGER, 0000
 ZACHARY V. MOSEDALE, 0000
 SAMUEL R. MOSER, 0000
 DANIEL J. MOSYCHUK, 0000
 ANDREW N. MOULIS, 0000
 CHRISTOPHER G. MOURSUND, 0000
 TIMOTHY D. MULER, 0000
 JASON Q. MUNOS, 0000
 BRENDAN G. MURPHY, 0000
 JONATHAN R. MURPHY, 0000
 WILLIAM G. MUSSEUR, 0000
 THOMAS E. MYERS, 0000
 CHRISTOPHER J. NARDUCCI, 0000
 MICHAEL D. NASH, 0000
 TERRENCE M. NAWARA, 0000
 ERIK J. NEAL, 0000
 JEFFREY A. NESHEIM, 0000
 TODD J. NETHERCOTT, 0000
 MARK C. NEWKIRK, 0000
 MARK S. NIESWIADOMY, 0000
 JAMES M. NORRIS, 0000
 NATHAN E. NORTON, 0000
 BRIAN J. NOWAK, 0000
 THEODORE J. NUNAMAKER, 0000
 JASON B. NUNEZ, 0000
 ROBERT C. OBERLANDER, 0000
 DAVID D. OBRIEN, 0000
 JENNIFER N. OBRIEN, 0000
 ANTONIO OCHOA, JR., 0000
 CHRISTINE R. O'CONNELL, 0000
 FRANK E. OKATA, 0000
 STEPHEN R. OKRESIK, 0000
 BRIAN P. OLAVIN, 0000
 BRIAN S. ONEILL, 0000
 JOSEPH S. OPP, 0000
 KEVIN J. OPPLER, 0000
 STEVEN E. OSELAND, 0000
 JOSHUA OSMANSKI, 0000
 KANAN C. OTT, 0000
 MICHAEL R. OVERFIELD, 0000
 RAYMOND P. OWENS III, 0000
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 PAUL R. PAMPURO, 0000
 CHARLES G. PAQUIN, 0000
 RICHARD D. PARISER, 0000
 BARRY R. PARKER, 0000
 JACK S. PARKER, 0000
 MATTHEW L. PARSONS, 0000
 SCOTT A. PASIETA, 0000
 RICHARD A. PATE, 0000
 CRAIG C. PEARSON, 0000
 DAVID J. PEARSON, 0000
 BRYAN S. PEEPLES, 0000
 DENNIS S. PENLAND, 0000
 WILLIAM C. PENNINGTON, 0000
 ANDREW PEREZ, 0000
 ROBERT T. PETERSON, 0000
 GREGORY T. PETROVIC, 0000
 JOSEPH J. PEZZATO, 0000
 TAM N. PHAM, 0000
 BARTON L. PHILLIPS, 0000
 KEVIN PICKARD JR., 0000
 STANLEY R. PIECHOTA, JR., 0000
 ADAM S. PIEPKORN, 0000
 STEPHEN J. PLATT, 0000
 PAUL A. PLOWCHA II, 0000
 DAVID TAVIS M. POLLARD, 0000
 JESSIE A. PORTER, 0000
 ROBERT R. PORTER III, 0000
 MATTHEW T. POTTENBURGH, 0000
 RALPH F. POTTER, 0000
 GLENN D. POWELL, 0000
 CASEY J. POWERS, 0000

JASON W. PRATT, 0000
 BRYAN S. PRICHER, 0000
 DAVID E. PROCTOR, 0000
 ANDRE R. PYATT, 0000
 DIANE J. QUATTRONE, 0000
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 MARK A. QUINN, 0000
 KEITH RADONIS, 0000
 STEPHEN A. RAMIREZ, 0000
 WILLIAM M. RANNEY, 0000
 MATTHEW H. RANZ, 0000
 ERIC W. RASCH, 0000
 CLIFFORD C. RAUSCHENBERG, 0000
 BRIAN P. REARDON, 0000
 JOHN D. REARDON, 0000
 MICHAEL A. REED, 0000
 DOUGLAS M. REINBOLD, 0000
 BRIAN E. REINHART, 0000
 CHAD REITHMEIER, 0000
 ROBERT H. REITZ, 0000
 JOSHUA C. RENAGER, 0000
 ROBERT T. REYES, 0000
 TED C. RICCIARDELLA, 0000
 RONALD P. RICH, 0000
 DAVID L. RICHARDSON, JR., 0000
 WILLIAM C. RICHARDSON, 0000
 PETER J. RIEBE, 0000
 JEREMY Y. RIFAS, 0000
 BRIAN A. RILEY, 0000
 BRIAN D. RIVERA, 0000
 JAMES F. ROACH IV, 0000
 KEVIN K. ROACH, 0000
 CHRISTOPHER A. ROBERTO, 0000
 BRYAN C. ROBERTS, 0000
 CLAYTON A. ROBINSON, 0000
 JAMES T. ROBINSON, 0000
 SEAN P. ROCHELEAU, 0000
 MIKAEL A. ROCKSTAD, 0000
 PETER G. RODGERS, 0000
 GABRIELA RODRIGUEZ, 0000
 STEPHEN W. ROELANDS, 0000
 LOREN P. ROMEUS, 0000
 RONALD B. ROSS, 0000
 MICHAEL A. ROVENOLT, 0000
 JAMES H. ROWBOTTOM, 0000
 AUBREY K. RUNYAN, 0000
 JOSEPH C. RUZICKA, 0000
 ROBERT A. SALVIA, 0000
 JOSEPH M. SANCHEZ, 0000
 CHARLES R. SARGEANT, 0000
 CHRISTOPHER J. SARTON, 0000
 GREGORY P. SAWTELL, 0000
 ZOAH SCHENEMAN, 0000
 JOHN A. SCHIAFFINO, 0000
 TORSTEN SCHMIDT, 0000
 JONATHAN L. SCHMITZ, 0000
 PETER M. SCHNAPPAUF II, 0000
 HARRISON C. SCHRAMM, 0000
 BRIAN T. SCHRUM, 0000
 STACY L. SCHWARTZ, 0000
 MATTHEW R. SCORNAVACCHI, 0000
 STEPHEN H. SCOTT, 0000
 DEREK R. SCRAPHANSKY, 0000
 JEFFREY E. SEIGLER, 0000
 WILLIAM D. SELK, 0000
 ARVO SEPP, 0000
 CHRISTOPHER C. SEROW, 0000
 RICHARD E. SESSOMS, JR., 0000
 LINDA C. SEYMOUR, 0000
 ERIC A. SHAFER, 0000
 TYLER SHERWIN, 0000
 BRIAN W. SHIMKAVEG, 0000
 JOSEPH T. SHULER, 0000

ADRIAN SIEBENHAAR, 0000
 CALEB M. SIEMON, 0000
 CHRISTOPHER S. SIMMONS, 0000
 PETER M. SIWEK, 0000
 SCOTT M. SMALL, 0000
 BRYAN L. SMITH, 0000
 CHRISTOPHER M. SMITH, 0000
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 RYAN C. SMITH, 0000
 WAYNE E. SMITH, 0000
 KEVIN L. SNODE, 0000
 MICHAEL D. SNOWDEN, 0000
 MARK D. SOHANEY, 0000
 PASIT SOMBOONPAKRON, 0000
 ROBERT W. SPEIGHT, 0000
 ROLF B. SPELKER, 0000
 PHILIP D. SPILLER, JR., 0000
 JASON C. STAPLETON, 0000
 JOHN B. STAPLETON, 0000
 MATTHEW J. STEENO, 0000
 MICHAEL STEPHENS, 0000
 Q. R. STERLING, 0000
 SCOTT E. STERLING, 0000
 BRADFORD T. STEVENS, 0000
 JOEL G. STEWART, 0000
 STANLEY K. STEWART, JR., 0000
 JENNIFER L. STILLINGS, 0000
 CHRISTOPHER R. STILLION, 0000
 BRIAN M. STITES, 0000
 RICHARD E. STOERMANN, 0000
 BENJAMIN W. STONE, 0000
 DANIEL C. STONE, 0000
 DANIEL G. STRAUB, 0000
 ANDREW J. STRICKLER, 0000
 MARK S. STROTTHIDE, 0000
 KYLE G. STRUDTHOFF, 0000
 MICHAEL S. STUCKY, 0000
 COLLIN C. SULLIVAN, 0000
 NAGEL B. SULLIVAN, 0000
 SHANE SULLIVAN, 0000
 JEFFREY W. SUMMERS, 0000
 JEFFREY J. SURRAN, 0000
 CHRISTOPHER M. SUTTER, 0000
 TORY J. SWANSON, 0000
 MARK M. SWEENEY, 0000
 BRIAN C. TADDIKEN, 0000
 KENNETH S. TALLARICO, 0000
 CHRISTOPHER P. TALLON, 0000
 BRIAN J. TANAKA, 0000
 JON P. TANGREDI, 0000
 STEPHEN A. TANKERSLEY, 0000
 SAMUEL J. TANNER, 0000
 MATTHEW E. TARABOUR, 0000
 PAUL M. TATE, 0000
 BRADLEY M. TAYLOR, 0000
 DAVID F. TAYLOR, 0000
 ROBERT W. TAYLOR, 0000
 DONALD I. TENNEY, 0000
 RYAN T. TEWELL, 0000
 THOMAS R. THOMA, JR., 0000
 JOSEPH M. THOMAS, 0000
 MICHAEL E. THOMAS, 0000
 RODNEY A. THOMAS, 0000
 STEVEN W. THOMAS, 0000
 COREY E. THOMPSON, 0000
 JOHN A. THOMPSON, 0000
 MATTHEW E. THOMPSON, 0000
 ANDREW J. THOMSON, 0000

RICHARD M. TOMS, 0000
 BRIAN K. TONER, 0000
 JOSEPH F. TORIAN, JR., 0000
 KENT W. TRANTER, 0000
 JENNIFER K. TREADWELL, 0000
 BRYANT P. TROST, 0000
 JOHN E. TURNER, 0000
 JOHN D. TUTWILER, 0000
 THOMAS A. ULMER, 0000
 STEPHEN A. URES, 0000
 RICKY M. URSEY, 0000
 PHILIP G. URSO, 0000
 JAMIE L. VALDIVIA, 0000
 ALEXANDER VALENTIN, 0000
 TOBY S. VALKO, 0000
 JOHN F. VANJAARSVELD, 0000
 MARGARET C. VASAK, 0000
 BENTON K. VAUGHN III, 0000
 MATTHEW J. VILLARREAL, 0000
 JOHN W. VINYARD III, 0000
 DONALD R. VOELBEL, 0000
 DENNIS J. VOLPE, 0000
 JOHN T. VOLPE, 0000
 JONATHAN G. VOORHEIS, 0000
 TODD R. VORENKAMP, 0000
 DALE R. WAGGONER, 0000
 DANIEL C. WALENT, 0000
 DAVID M. WALLACE, 0000
 ANTHONY W. WALLEY, 0000
 TERRY R. WAMSLEY, 0000
 WILLIAM K. WARREN, 0000
 KEVIN J. WATKINS, 0000
 LANDRY S. WATSON, 0000
 MICHAEL L. WEATHERFORD, 0000
 JASON D. WEDDLE, 0000
 CHRISTOPHER K. WELLS, 0000
 SHANNON J. WELLS, 0000
 STEVEN P. WERNER, 0000
 WILLIAM W. WERTZ, 0000
 STEVEN C. WHEAR, 0000
 RICHARD C. WHEELER III, 0000
 CHADWICK J. WHITE, 0000
 SAMUEL S. WHITE, 0000
 RICHARD W. WHITFIELD, 0000
 TIMOTHY B. WILKE, 0000
 DARREN B. WILKINS, 0000
 DEMETRIUS WILKINS, 0000
 CHRISTOPHER M. WILLIAMS, 0000
 JEFFREY S. WILLIAMS, 0000
 KEVIN P. WILLIAMS, 0000
 MARC K. WILLIAMS, 0000
 MARIO N. WILSON, 0000
 SHAWN C. WILSON, 0000
 ALAN R. WING, 0000
 HUGH E. WINKEL, 0000
 THOMAS R. WINKLER, 0000
 JEFEREY A. WINSLOW, 0000
 ERNEST M. WINSTON, 0000
 PATRICIA A. WITHERSPOON, 0000
 MICHAEL R. WOHNHAAS, 0000
 IAN S. WOLFE, 0000
 JASON L. WOOD, 0000
 PETER P. WOOD, 0000
 MICHAEL D. WOODS, 0000
 CHRISTIAN B. WUNSCH, 0000
 COLLIN A. WYNTER, 0000
 SCOTT A. YACH, 0000
 CHRISTOPHER M. YOUNG, 0000
 STEVEN M. YOUNG, 0000
 PHILIP D. ZARUM, 0000
 THOMAS A. ZDUNCZYK, 0000